

THE JOURNAL OF JEWISH STUDIES

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1959

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Concessions to Sinfulness in Jewish Law *

BY concessions to sinfulness we do not mean exhortations that one should forgive and help the transgressor, as God forgives and helps him.¹ Such exhortations are in no way intended to legalize sin. Nor do we mean the mere fact that in Judaism, as everywhere, law proper is not co-extensive with morality or whatever ideal order may prevail. Certainly all codes, including the Jewish, since they deal with fallible human beings, are severely limited in their repression of evil and promotion of good; one could not, for example, impose the death-penalty for each and every kind of fraud or oppression. But we would not in general, because a lawgiver remains within these limitations, speak of a deliberate giving in to sin. For that, the lawgiver has to be aware of, even concerned about, the shortcomings of his code. What we mean, then, is the conscious building into the law, the full recognition by the lawgiver, in spheres where in principle he would want to enforce the ideal order, of institutions or practices in conflict with it—the kind of thing Jesus declared to have happened in the case of divorce, tolerated by Moses “for the hardness of your heart”.²

In Greece, one of the many criticisms of the laws by philosophers was the view, expressed from the fourth century B.C.E., that slavery was unnatural; and at Rome, from the second century C.E., even lawyers and legislators would think of slavery as repugnant to the *ius naturale*, though they went on accepting it as part of their positive system and indeed, since it was to be found among all peoples, ranking it among the *ius gentium*. More fundamentally, for Plato, legislation as such was a second-best, an accommodation to a world where the perfect ruler was not bred. In Jewish law, the notion of an institution fully valid yet wrong reaches far back into Old Testament times. This is perhaps not surprising, when we remember a passage like that where God guarantees the stability and permanence of the new world after the flood while clearly realizing that “the imagination of man’s heart is evil from his youth”.³ At any rate, that teaching of Jesus was not a freak; there is a background to it. Indeed, it could not have been effectively propounded without it, i.e. had there not been a category

* Address delivered at Jews’ College, London, at the Annual Speech Day, 1959.

¹ See e.g. an episode from Joshua ben Levi’s life, Bab. *Berakhoth* 7a.

² *Mt.* xix: 8, *Mk.* x: 5.

³ *Gen.* viii: 21.

of things allowed out of consideration for wickedness or (we shall not here distinguish) weakness.

The most striking Old Testament instance of the notion occurs in connection with the establishment of the monarchy. The people press Samuel, their last judge, to give them a king, "that we may be like all the nations"⁴; and Samuel is told by God, "Hearken unto their voice, for they have not rejected thee, but me, that I should not reign over them".⁵ The monarchy, though conceded by God and introduced under his guidance, is a detraction from his rule; there ought to be no king over Israel other than he. That this was hardly the only view about the matter is here irrelevant; nor need we ask at what precise moment in the history of the monarchy it came into existence or prominence, still less whether it was written down in 1,000 B.C.E. or 800 or 600. The point is that, according to the narrative under consideration, the form of government that started with Saul and continued for centuries is authoritatively sanctioned on the one hand and radically condemned on the other; it is sanctioned, we might say, "for the hardness of your heart".

It is interesting that what is being violated by the innovation is not a natural or universal arrangement of things; on the contrary, the monarchy is to make Israel "like all the nations". What is being violated is the special relationship between God and Israel, his exclusive sovereignty over the nation he rescued from Egypt.⁶ In Roman terms, the monarchy is a breach of the *ius civile*, the peculiar, sacred constitution of Israel, to which the people prefer the inferior, but more attractive *ius gentium*.

No doubt it was insistence on desert tradition in the face of urbanisation and assimilation to the surrounding settled cultures which was productive of this remarkable doctrine—always bearing in mind that desert tradition postulated not the prevalence of natural rules, but the direct submission of the nation to its God. The opposition to the new order was not, however, extreme: that would have led to a simple disavowal of the monarchy, a placing of it outside the law, together with, say, the worship of Moloch. The usefulness of the monarchy in the existing social, political and military-geographical conditions was

⁴ I Sam. viii: 20, cf. Deut. xvii: 14.

⁵ I Sam. viii: 7.

⁶ On the early customs on which this acquisition of sovereignty by liberation is modelled, see the writer's *Studies in Biblical Law*, 1947, 50 ff., and *Rechtsgedanken in den Erzählungen des Pentateuchs*, in *Von Ugarit nach Qumran* (Festschrift für O. Eissfeldt), 1958, 35 f.

seen: "our king shall go out before us and fight our battles".⁷ But the old order was the intrinsically right one and, had the people been strong-minded enough, could have been preserved intact. Hence the compromise—and tension: the monarchy is divinely appointed, but it is so appointed in answer to the demands of a weak people. One of the implications of this doctrine was that, ultimately, the order thus inaugurated remained accountable to the higher, ideal one; a factor of no small importance in the king-prophet relation.

The view of the monarchy taken in this narrative is well represented in post-Biblical Judaism, though all Rabbis do not share it, and of those who do all are not faithful to the original motives.⁸ Josephus regards the monarchy as a lapse, but his interpretation of the affair contains distinctly foreign elements⁹: God accedes to the people's request for a king although aristocracy is the best constitution, enabling men to have the laws as their masters and God as ruler.

Already some Old Testament chapters assume inconsistency between enslavement of a fellow-Jew and the ideal state of this society—those, namely, in which the ordinances granting release after a number of years are derived from the overriding principle that the children of Israel are slaves to God¹⁰: essentially, if they become slaves to men, they are foresaking their true service. Again, it is desert tradition versus urban civilisation. Again, the former means not life under natural law, but life under the peculiar dispensation resulting from the deliverance of the Israelites from Egypt¹¹: the argument is clearly confined to Hebrew slaves—they are God's—whereas if it were a question of natural law, it would be directed against slavery as such, including the enslavement of gentiles. And again, the opposition is not carried to extremes, a compromise is struck, the higher and the lower standards are in precarious balance.

We find similar ideas governing sale of the paternal estate by an impoverished person¹²: confirmation of the fact that we do not have to do with any *ius naturale*. The sale is valid, but only for a time: it upsets the ideal distribution of God's country made known to the people prior to their occupation.

⁷ I Sam. viii: 20; see also xii: 2.

⁸ See e.g. the various comments in *Sifre* on Deut. xvii: 14.

⁹ Ant. IV, 8, 17, 223, VI, 3, 3f., 36 ff.

¹⁰ Lev. xxv: 42, 55; cf. Deut. xv: 15, less technically phrased.

¹¹ For the legal ideas behind the view that this deliverance made the Israelites into slaves of God, see the writer's discussions quoted above, footnote 6.

¹² Lev. xxv: 23.

It is astonishing how much of the ancient attitude to slavery among Hebrews survives in Rabbinism. There is, for instance, a notable explanation¹³ of the ceremony of piercing the ear-lobe of a slave who, at the end of seven years when he could be free, prefers to stay with his master¹⁴: it is with his ear, the Rabbis point out, that he heard God proclaim, "For unto me the children of Israel are servants".¹⁵ The Rabbis are here still concerned with Hebrew slaves only. There is still no infringement of a natural or universal order, but of the particular bond between God and his people. A Jew voluntarily continuing in slavery thereby repudiates God who, by redeeming the people from the hand of Pharaoh, became their master in a very special sense. Paul's argument in *I Corinthians*,¹⁶ it may be noted, is strictly parallel.

Significantly, just as the Biblical narrative of the establishment of the monarchy attaches the blame to the subjects rather than the king—it is the former who are disloyal to their ruler—so, in the present case, the slave is blamed rather than the master. Criticism of slavery as such would find the wrong on the side of the latter. In much the same way, in the sale of a family's hereditary estate, it is the vendor, not the purchaser, who, unless driven by the direst need, incurs the displeasure of the Rabbis.¹⁷

There are circles, however, where slavery was considered as a deviation from the natural order of the world in general, though we must not forget that, in Judaism, this natural order no less than that peculiar to Israel would be attributed to God as its author. In the *Book of Jubilees*¹⁸ the degeneration of the sons of Noah expresses itself in feuds between nations, wars, murder, the eating of blood, the usurpation of kingship by individuals and the selling of captives, slavery. It is not accidental that here, where the natural order is contemplated, the criticism is directed against the king and the slave-owner, not against the king's subjects or the slaves. There is no question of disloyalty to God on the part of the subjects or slaves. It is the king and slave-owner who shew contempt for the natural rights of their fellow-men.

Of the Essenes we do not know exactly how far they looked on

¹³ *Mekhilta* on Ex. xxi: 6.

¹⁴ Ex. xxi: 6, *Deut.* xv: 17.

¹⁵ *Lev.* xxv: 55.

¹⁶ *vii*: 21, 23.

¹⁷ *Sifra* on *Lev.* xxv: 25.

¹⁸ *xi*: 2.

slavery as contrary to nature,¹⁹ how far as contrary to the specific role undertaken by their group. No doubt there was something like a combination of the two verdicts: the institution was rejected because the perfect community of the end returns to the ideal state of the beginning. In any case, we have before us a plain example of condemnation of an institution sanctioned by Scripture. It is not as if it had gradually dropped out of use; or as if they had abolished it on some neutral ground, or apparently neutral ground, while still manifesting a high regard for it (as animal sacrifices were abolished after the destruction of the Temple). In their eyes, the keeping of slaves was unworthy, at least among the elect. They must have interpreted its admission by Scripture as a concession to sinfulness or weakness, necessary at the time, but no longer to be invoked.

They took much the same view of private ownership in general. That there were tendencies that way outside their ranks is suggested by a number of Rabbinic texts, for instance, one which distinguishes between various types of men and describes as a saint, *hasidh*, him who says "What is mine is thine and what is thine is mine".²⁰ He who is merely correct in property matters, saying "What is mine is mine and what is thine is mine," is labelled as an average type, midway between the saint and the villain. But according to some Rabbis, we are informed, he belongs to the type of Sodom. The Scriptural basis for these extremists was presumably the somewhat ungenerous behaviour of the king of Sodom to Abraham and the way the latter dealt with him.²¹ What interests us here is that even among the Rabbis there were some who associated insistence on one's right of ownership with the most degraded polity of the Bible.

The position of the Essenes in regard to marriage may here be noted. They could certainly not deny that marriage belonged (if we

¹⁹ An aspect stressed e.g. by Philo, *Quod Omn. Prob.* 12, 79.

²⁰ Mishnah 'Abhoth 5, 10. In the following paragraph 5, 11 also, the saint is defined as possessing qualities—"hard to provoke and easy to appease"—which the Essenes valued: Josephus (*Bell.* II, 8, 6, 135) calls them "masters of their temper, ministers of peace".

²¹ *Gen.* xiv: 21 ff.: "And the king of Sodom said, Give me the persons and take the goods to thyself. And Abram said, I will not take anything that is mine, lest thou shouldest say, I have made Abram rich". In the *Genesis Apocryphon* of Qumran, the king is depicted as definitely hostile—"he draws near" to make his claim, *qarabh*, a challenging posture (22, 18)—and his meanness is elaborated—it is "on hearing that Abram recaptured the persons and goods" that he comes to him (22, 12f.), he carefully explains that the persons "are mine and are with thee only as captives" (22, 19), and at the end it is implied (22, 24) that even Abraham's three companions, who in the Biblical account (xiv: 24) seem to retain their shares in the goods, give them back to the ignoble king.

may use Roman terms) to the *ius naturale*, the *ius gentium* and even the *ius civile* of Scripture. Nevertheless it, too, was considered by them a concession to the lower instincts, beneath the more exacting *ius civile* of their band—or at least its selfish components were disapproved, for some branches of the Essenes did marry, but only for the sake of procreation, refraining from intercourse during pregnancy.²²

The eating of meat “of desire”, i.e. meat not part of an offering, did not, according to some Rabbis,²³ belong to the original arrangement of things: Adam was not allowed such meat. It was allowed to the sons of Noah after the flood, but again interdicted to the Israelites during their wanderings in the desert, when they were near the altar. And though it was allowed from the time of settlement in Canaan, there are signs of uneasiness in Rabbinic utterances. One should not eat meat, we are warned, except to satisfy a craving.

Polygamy was widely rejected as below the standard set for man by his creator. But there are nuances. For the Rabbis,²⁴ it is legally correct, though against what is naturally fitting as manifested in the first union between Adam and Eve. That is the pattern placed by God before all future generations—the recognition of polygamy by the law is a concession to weakness. In the *Zadokite Fragments*,²⁵ on the other hand, while they too consider monogamy as “a fundamental principle of the creation”, there is no discrepancy with the law: it is assumed that the law itself forbids polygamy, and if a pious king like David none the less practised it, that was because he had no access to the law deposited in the ark. That this doctrine involves a number of forced interpretations of Old Testament texts is immaterial in the present connection.

It is probable that divorce was judged on similar lines. The argument of the *Zadokite Fragments* seems to cover both polygamy and divorce, and there are many Rabbinic sayings deploring the latter.²⁶ Indeed, some Rabbis are apparently of opinion that, among gentiles, a valid divorce is not possible.²⁷ According to this theory, if we translate it into Roman idiom, divorce is contrary not only to the *ius*

²² Josephus, *Bell.* II, 8, 13, 160 f.

²³ *Gen. Rabbah* on ix: 3, *Sifre* on *Deut.* xii: 20, *Bab. Hullin* 16b, 84a.

²⁴ See e.g. the remarks of Judah ben Bathyra, *'Abhoth de Rabbi Nathan*, 2nd version, 2, init. (ed. Schechter, f. 4b).

²⁵ 7.1 ff.

²⁶ See e.g. Eleazar ben Pedath's statement, *Bab. Giṭṭin* 90b.

²⁷ *Gen. Rabbah* on ii: 24, *Pal. Qiddushin* 58c.

naturale but also to the *ius gentium*. It is confined to the *ius civile* of the Jews, it has divine sanction in this polity only. No doubt these Rabbis have in mind a concession by God to "hardness of heart", but the relevant passages are not very explicit; one suspects that there has been a good deal of excision.

A further example of legalisation of what is intrinsically sinful is provided by the Rabbinic treatment of the Biblical provision²⁸ allowing marriage with a gentile woman captured in war. We are not here concerned with the precise original meaning; nor does it matter that by the time of the Rabbis the law had ceased to be practical²⁹—their construction of it will be no less illustrative of their way of seeing concessions to sinfulness accorded by the legislator. As they take it,³⁰ the law allows marriage with a captive even if, for instance, she had a husband among the enemies—a definite annulment of rules ordinarily applying. They are annulled, the Rabbis explain, as a concession to the lust, the evil inclination, the *yeṣer ha-ra'*, to which a victorious warrior is subject. The legislator knows that, were marriage ruled out, there would be worse; he therefore lays down a few minimum conditions to be fulfilled and concedes it. In the words of the Rabbis (not indeed, very complimentary to the lady), "It is better the Israelites should eat the flesh of sick animals ritually slaughtered just in time, than that of sick animals that have perished without being slaughtered".³¹

But the law is a *pis aller*. Actually, the Rabbis draw remarkable consequences—however unrealistic—from the fact that it constitutes a *ḥiddush*, a *novum*, an anomaly: the liberty it confers may be taken advantage of even by a priest, who in ordinary circumstances is debarred from marrying a proselytess at all, even a virgin. Normal standards are suspended.

²⁸ *Deut.* xxi: 10f.

²⁹ Perhaps one should not be too hasty in assuming this. The charge against John Hyrcanus' mother (Josephus, *Ant.* XIII, 10, 5 f., 288 ff., Bab. *Qiddushin* 66a) shews that other laws concerning captives were still in operation.

³⁰ *Sifre*, ad loc., Bab. *Qiddushin* 21b f.

³¹ To appreciate the simile it is necessary to recall that the Bible declares an animal that dies of itself unfit for consumption (*Deut.* xiv: 21). This prohibition is extended by the Rabbis to an animal about to die of itself (*Mishnah Hullin* 3, 1); but should anyone be mean enough to decide to eat such a sick animal, at least let him anticipate natural death by ritual slaughter, so as to avoid a direct violation of the Biblical commandment. Just so, they give us to understand, the idea of *Deut.* xxi: 10 f. is that, should anyone decide to marry a heathen captive, at least he ought to fulfil the few conditions laid down in this section, so as to avoid an even worse fall.

Attention may be called to a far from academic principle which recurs several times in Talmudic discussion: that a person who does not know that what he is doing is wrong ought not to be enlightened. "It is better the Israelites should transgress in ignorance than wilfully." This is not, strictly, legalisation of a wrong: the wrong remains a wrong. But it is legalisation, and indeed recommendation, of the condoning of a wrong—because, otherwise, a more serious one might result: the unwitting offender, enlightened, might not desist from his course. We must reckon with the hardness of his heart.

By about 300 C.E. the principle has attained its final scope: it operates in the case of refinements of Scriptural and Rabbinic precepts, e.g. the correct, early commencement of the Fast of the Day of Atonement, or the rule that on a festival one may neither beat one's breast in sorrow nor dance in merriment.³² Where such a refinement is disregarded by the unlearned and enlightenment might be resented, we must not intervene.

It looks, however, as if the maxim had first been formulated in a far more specific context, namely, in countering the extremer demands of some sects. Ishmael ben Elisha, our earliest authority for it, declared (and he was followed by Simeon II ben Gamaliel II)³³ that by rights, since the Temple was destroyed, one ought to abstain from meat and wine; but we must not impose decrees on the congregation, or even on ourselves, which the majority could not endure. Again (he continued), by rights, since the Roman government prevented circumcision and the study of the Torah, one ought to abstain from begetting children—but "Let the people alone, it is better they should transgress in ignorance than wilfully".

The Rabbi does admit that, by the highest standards—no doubt practised in saintly circles—all pleasures must be forgone. (They have become inadmissible, it should be noted, although no decree prohibiting them has been issued by the Rabbis. If Ishmael thought a decree needed to make them inadmissible, he could not speak of the people as transgressing even in ignorance.) Still, the mass would not live up to such demands, so in order to forestall conscious misconduct, a lower level of piety is to be accepted; and for the sake of

³² Bab. *Shabbath* 148a.

³³ Bab. *Babha Bathra* 60b, Tosefta *Soṭah* 15, 10.

the weak, the majority, it is to be accepted even by the strong.³⁴ The reasoning sheds much light on the attitude to the sects taken up by the Rabbinic leadership. Apparently it was in solving the tension between the undeniable holiness of sectarian life and its impracticability for ordinary folk that the Rabbis coined the principle under discussion.

Of course, some of the saintly standards were problematic not only because they were too exacting for the mass, but also because, if generally adopted, they would be fatal to the existence of the nation. Ishmael does not fail to mention that abstention from intercourse would mean extinction. It was partly this consideration which had led branches of the Essenes to tolerate marriage.³⁵ In the case of the Essenes, there was the counter-argument—not applicable where it was a question of the nation at large—that numbers could be kept up by recruitment of converts; an aspect which receives prominence in Pliny's account.³⁶

The principle, incidentally, is very close in form to that quoted above: "It is better the Israelites should eat animals slaughtered just in time than animals which have perished". The explanation is simple: both statements express a preference for the lesser of two evils—sinning in ignorance over against wilful sinning, observing some minimum requirements and marrying the captured wife of a heathen over against an illicit union with her. A variant of the form may be met in a story exonerating Aaron from his share in the making of the golden calf.³⁷ The crowd threatened to kill him, and he thought that if they did so God would never pardon them, whereas he might pardon them a sin against himself: "It is better they should worship the calf". This is, however, a decision in a particular situation, not, like the other two cases, a rule.

Hillel's *Prozbul*,³⁸ over one hundred and fifty years before Ishmael, was one of the major reforms of the last pre-Christian century.

³⁴ Curiously, it is precisely the ancestors of Gamaliel II of whom we know that they submitted to certain stringent festival observances which they did not expect of others: Mishnah *Beṣah* 2.6, *Edhuyyoth* 3, 10.

³⁵ Josephus, *Bell.* II, 8, 13, 160: "They think that, were all to agree on rejection of marriage, the race would quickly die out".

³⁶ *H.N.* V, 15, 73: "Day by day the throng of the fellows is reborn to an equal number as people flock to their mode of life; thus through thousands of ages a race in which no one is born lives on for ever".

³⁷ Bab. *Sanhedrin* 7a.

³⁸ Dr R. Yaron, of the Hebrew University, Jerusalem, very kindly reminded me of this important case.

Scripture places a rich Jew under a duty to lend to his poor fellow-Jew. As the seventh year cancels all loans, the nearer that year, the greater the risk in lending. Yet the duty remains: "Beware", the Bible says,³⁹ "that there be not a wicked thought in thine heart, the year of release is at hand, and thine eye be evil against thy poor brother and thou givest him nought. Thou shalt surely give him". A counsel of perfection, to which few lived up; and the consequence was that at the approach of the seventh year things became very difficult for the poor. So "when Hillel saw", we are told,⁴⁰ "that the people refrained from giving loans and transgressed what is written, he ordained the *Prozbul*", a method of circumventing the cancellation of loans. To be sure, from the technical point of view, this method ingeniously avoided any conflict with the law, but in substance it did abrogate it and was looked on as a concession to selfishness by its great author.

It should be observed that in another passage⁴¹ the *Prozbul* is listed among a series of rulings given by various Rabbis "for the sake of the functioning of the social order (the securing, straightening, of the world)". This classification of his measure is probably later than Hillel, but it is quite correct. The motive of making the social order function is present also in some of the concessions to sinfulness or weakness already discussed—the Rabbinic treatment of the female captive, for instance, or the combating of the extremer demands of the sects.

Enough has been said to bear out our statement at the beginning that, when Jesus parried the Pharisaic reference to the bill of divorce by maintaining that this was admitted because of the people's wickedness, he was using an established category; it was an argument which both his followers and opponents would understand. Divorce (he contended) runs counter to that complete union between man and wife which God designed when first creating the world.⁴² It was sanctioned for a vicious society by Moses, who could only interpose certain safeguards. But the final community will do without it, in accordance with the original divine plan. One might say, divorce is against the *ius naturale*, and though the former *ius civile* had to give in to the people's wickedness and recognize it, it has no place in the *ius civile*

³⁹ *Deut.* xv: 9 f.

⁴⁰ Mishnah *Shebhi'ith* 10, 3.

⁴¹ Mishnah *Gittin* 4, 3.

⁴² On the part played here by the doctrine of an androgynous Adam, man and woman in one, see the writer's *New Testament and Rabbinic Judaism*, 1956, p. 72 ff.

of the Messianic community. The close affinity between this line of thought and, say, the Essene attitude to slavery is obvious.

So is that between Jesus's condemnation of private ownership, as brought out in the answer to the rich man who wished to inherit eternal life,⁴³ and the Essene one. To some extent, the illustrations given in the Sermon on the Mount of how the new righteousness must exceed that of the Pharisees⁴⁴—"Ye have heard . . . but I say unto you"—may reflect the same idea. There is, however, this difference at least that, in the Sermon, the new demands promulgated by Jesus are conceived of as, in a way, already contained in the old ones laid down in Scripture. The new ones are not entirely new; they are, so to speak, the old ones rightly interpreted, with their full implications laid bare.⁴⁵ This approach is reminiscent of what we found in the *Zadokite Fragments* in the case of polygamy—already prohibited, they claim, by Scripture itself, if only we are able to read it.

Jesus's disapproval of marriage in *Matthew*⁴⁶ is also very similar to the Essene. On this occasion there is no harking back to a natural law of creation, nor any appeal to a universal *ius gentium*; and the *ius civile* of Scripture had fully assented to this institution. It is a *ius civile* for the final community alone, a law superior to anything that has gone before, more refined and more exacting, which is now being proclaimed.

However, that superior law itself is capable of concessions. *Matthew* represents it as not designed for all members even of the new community, but for a select circle only, for "those to whom it is given". Paul writes⁴⁷ that celibacy is the ideal condition. But marriage is permissible, no sin—being necessitated by human incontinence: "It is better to marry than to burn", scil. with the *yeşer ha-ra'*, the evil inclination. So, side by side with the prohibition of divorce because the time when allowance had to be made for the people's lower instincts is past (*Matthew*), we have the toleration of marriage, as a concession to such instincts (Paul). That there are excellent reasons for a distinction between divorce and marriage goes without saying. What interests us here, however, is the fact that the notion of the law recognizing institutions unworthy of the ideal order appears in the New Testament not only where such recognition is rejected, but also

⁴³ *Matt.* xix: 16 ff., *Mk.* x: 17 ff., *Lk.* xviii: 18 ff.

⁴⁴ *Matt.* v: 17 ff.

⁴⁵ See my *New Testament and Rabbinic Judaism*, p. 55 ff.

⁴⁶ *xix*: 10 ff.

⁴⁷ *I Cor.* vii: 1 ff.

where it plays an important part in resolving the tension between a standard unattainable by and indeed destructive of society and the normal needs of continuing civilised life.

In his admonition to spouses not to refuse themselves to one another lest Satan tempt them—again the *yeşer ha-ra'*—Paul uses quite technical language of the nature of this ruling. "I speak this", he says, "by way of *syggnōmē*, permission, indulgence, concession, not by way of *epitagē*, commandment, duty." Presumably he means that the concession should be taken advantage of no further than is necessary to be untroubled by temptation.

At any rate the Rabbinic antithesis is *reshuth* over against *mišwah* or *ḥobhah*. Above we presented the monarchy as the prototype of concessions to sinfulness. It is noteworthy that there seems to have been a Rabbinic view, combated in our sources,⁴⁸ that the Deuteronomic "Thou shalt in any wise set a king over thee" enunciates a permission, concession, *reshuth*, "Thou mayest set a king over thee", not a duty, *ḥobhah*.

Paul, it may be observed, also introduces the idea of the lesser evil: without marriage there might be worse. He employs the same form that we came across, for example, in the Rabbinic treatment of the provision concerning a woman captive, a provision catering, it will be remembered, for the evil inclination. "It is better the Israelites should eat sick animals slaughtered just in time than sick animals which perished without being ritually slaughtered", the Rabbis; "It is better to marry than to burn", Paul.

Not surprisingly, a fair number of other discussions in Paul are relevant. It may suffice to quote two. On the one hand, there is the Mosaic law as schoolmaster.⁴⁹ In a sense, the whole of it is here seen as a second-best, adapted to the state of the recipients who are not yet ready for the final revelation. On the other hand, in his rules of Christian conduct, he enjoins his followers⁵⁰ not only to condone the weakness of those who cannot free themselves from precepts like the Sabbath or vegetarianism, but even, for the sake of love and the building up and cementing of the community, to conform to their practices if otherwise they might be put off. Much as Ishmael and Simeon had advised that not only should the mass of the congregation not be denied the pleasures of marriage, meat and wine, but for

⁴⁸ *Midhrash Tanna'im* (ed. Hoffman) on *Deut.* xvii: 15.

⁴⁹ *Gal.* iii: 24.

⁵⁰ *Rom.* xiv f., I *Cor.* viii f.

CONCESSIONS TO SINFULNESS IN JEWISH LAW

the sake of the mass even the few strong ones should inflict on themselves no unnatural abstention.

In modern Western theory, the category we have been investigating—practices and institutions which the lawgiver holds wrongful measured by his own aims, yet sanctions—is not prominent. One reason may be a wide-spread feeling that the lawgiver does not consciously legalize what he deems wicked, and that if a definite wrong turns out to enjoy recognition, the law will be altered. Another is that we tend to keep the legal order and the ideal order—nowadays usually identified with the moral order—apart; the lawgiver is not thought of as himself judging his code by an external standard. Where, however, he is thought of in this way, where there is a dynamic belief in the ends he is to serve, where he must constantly assess his work by its greater or lesser approximation to the goal, we do see our category come into its own. In 1921, when the New Economic Policy (NEP) was adopted, Lenin spoke of the regrettable necessity of “gearing yourself to the mass of mankind who cannot keep up a revolutionary-heroic tempo in everyday work”: the present regulations were “a defeat and retreat—for a new attack”.⁵¹ Of course, even in the West there are notable parallels, and the so-called secondary principles of Natural Law are inspired precisely by such developments as that from admission of polygamy in the Old Testament to its abolition at a subsequent stage.

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⁵¹ See E. H. Carr, *Socialism in One Country*, vol. I, 1958, p. 23, and *Bolshevik Revolution*, vol. 2, 1952, p. 276.

The Status of Arabic as used by Jews in the Middle Ages

DO JEWISH MIDDLE-ARABIC TEXTS REFLECT A DISTINCTIVE LANGUAGE?

1. One of the effects of the great waves of Arabian conquests in the 7th century was a marked influence on the language of the conquerors. The contact of the Arabs with foreign peoples, often culturally their superiors, must be taken into account here, as also the fact that in the military camps the speech of the different tribes mingled; nor may the constant influence of the classical language be disregarded. As a result a variety of Middle-Arabic dialects came into being: determining factors were the manner and degree of foreign influence and, in particular, the preponderance of whichever local dialect happened in each given case to predominate amid the mixture of Old Arabic dialects. At the end of this complex and many-sided development stand the various Arabic dialects of today.

2. The tremendous influence which the *'arabiya* as an ideal exerted (and still exerts) on Muslim authors has meant that their writings did not, to any marked degree, reflect decisive changes in the character of the language until relatively late.¹ On the other hand, Middle-Arabic penetrated very early into Jewish and Christian² writings. So far as I am aware, the older texts, at any rate those composed in Judæo-Arabic³, did not adopt a pure Middle-Arabic but were written in what we should propose to style "Middle-Arabic Literary Standard". They contain a certain amount of classical speech, and yet we find that, whether as a result of ignorance of Classical Arabic, of negligence, or of design (see *infra*, p. 21/2), elements of vulgar Arabic have in lesser or greater degree penetrated into it.

3. What position does Judæo-Arabic occupy within the Middle-Arabic texts? Is the difference between Jewish and Muslim or Christian Middle-Arabic so relatively slight that we can in fact speak of nothing more than Middle-Arabic texts of the Jews, i.e. Jewish

¹ For details see J. FÜCK, *'Arabiya*, translated by C. DENIZEAU, Paris, 1955, index, s.v. *Moyen-arabe*.

² The question of any pre-Islamic Christian literature in Arabic, such as is supposed by Baumstark to have existed, cannot be discussed here.

³ The only exception in Judæo-Arabic is a small number of letters; although these are notes written in the vernacular, we nevertheless find in them literary turns of phrase, or at least evidence of "classical" orthography. Cf. BLAU, *Tarbiš*, xxviii p. 363, n. 7.

texts in Middle-Arabic; or are the differences of sufficient significance to permit us to speak of a separate language, i.e. Judaeo-Arabic? It is the purpose of this article to try to answer this question; but in view of the fact that the linguistic study of Middle-Arabic in Jewish, Christian, and Muslim texts is still in its early stages, naturally no claim to finality can be made.

4. The problem of Middle Judaeo-Arabic as a distinctive development was already discussed by Israel Friedländer. That eminent scholar and student of Judaeo-Arabic came to the conclusion⁴ that Judaeo-Arabic is not to be distinguished from the Arabic of the Muslims, although he does allow (*Sprachgebrauch*, p. xiii, *Sprache*, pp. 425-6, *Selections*, p. xiv) that Jewish authors are generally a shade nearer to popular Arabic than are their Muslim counterparts if they are compared, as writers, category for category. Friedländer's thesis will be submitted to the test of detailed analysis, but we must begin by examining the historical assumptions which, in conjunction with an examination of particulars, formed the basis of his proposition.

It was Friedländer's opinion (*Sprachgebrauch*, pp. x-xi, *Sprache*, p. 422, cf. also *Selections*, p. xv) that, in view of the constant operation of profound mutual influence as between Jews and Muslims in the social, cultural, and religious spheres, there was a complete absence of the factors conducive of the formation of dialects. Anyone who fancies (so he argues) that he has detected distinctive elements of a specifically Jewish form of speech in the writings of Judaeo-Arabic authors must, if he is to be consistent, likewise find traces of Jewishness in the linguistic usage of German writers who are members of the Jewish Nation; and to demonstrate any such thing in the case of Heine, Börne, Nordau, etc. would surely be difficult (*Sprachgebrauch*, p. xi).

In this argumentation one is forcibly reminded of the fact that not even such excellent scholars as Israel Friedländer can always avoid the influence of the mental climate of their period (and, it should be added, the present writer is too conscious of himself being exposed to his own contemporary *Zeitgeist* in precisely the same way to be able

⁴ Three of FRIEDLÄNDER's writings deal with this question: (i) the introduction to *Der Sprachgebrauch des Maimonides* (henceforth *Sprachgebrauch*), I, Frankfurt a.M., 1902, pp. ix-xiv; (ii) his article *Die Arabische Sprache des Maimonides* (henceforth *Sprache*), in the Memorial Volume *Moses ben Maimon*, published by the Gesellschaft zur Förderung der Wissenschaft des Judentums, I, Leipzig, 1908, pp. 421-28; (iii) the introduction to his *Selections from the Arabic Writings of Maimonides* (henceforth *Selections*), Leiden, 1909, pp. xiv-xv.

to take his immunity for granted). The argument⁵ sounds almost as if it had been put forward by "Arab nationals of the Mosaic persuasion", and as though the cultural symbiosis of Jews and Arabs had been the achievement, not of Jewish and Arab social groups, but of individual Jews and Muslims. It assumes that those Jews who had to their credit notable achievements within the sphere of Muslim culture and chose to remain Jews, ceased (thanks to those very attainments) to belong to the religio-social group that the Jewish community constituted. The following passage makes it especially clear that, whether or not Friedländer was conscious of it, apologetic tendencies were at play (*Sprache*, p. 423): "The integration [*Anschluss*] of the Jews into Arabian culture may be compared, both in respect of extent and intensity, with the integration [*Anschluss*] of modern Jewry into west-European civilisation . . . It is as absurd [*widersinnig*] to assume that amongst cultured Jews of Arabic-speaking lands there prevailed a distinctive Jewish *patois* [*Judenjargon*] as is the assertion, often maliciously [*böswillig*] maintained, that educated Jews of today are to be distinguished from their fellow-citizens in civilised countries by their usage of the language of the country [*im Gebrauch ihrer Landessprache*]" *Sapienti sat*.

The comparison of Judaeo-Arabic writers with Heine, Börne, and Nordau (*supra* p. 16) has a distinctly odd ring about it. One cannot compare such masters of language as these, who though of Jewish origin wrote for a German public and (with few exceptions) thought of themselves as members of the wider society now that Emancipation had demolished the walls of the Ghetto, with Jewish authors of the middle ages. The latter were generally writing for Jews (medical literature may be, in this connection, left out of account), as is proved by, *inter alia*, their use of Hebrew script⁶; their subject matter was Jewish or, at the very least, viewed from a Jewish standpoint; and

⁵ There is, of course, no intention here of insinuating that Israel FRIEDLÄNDER was himself motivated by any assimilationist tendencies; proud of being a Jew, he sacrificed his life for his suffering brethren and so died a martyr's death. It is merely intended to assert that the accepted ideas of his time had such deep roots that they affected even such a man as FRIEDLÄNDER who, considering his personal outlook, might have been expected to know better.

⁶ Jews used Arabic script but rarely. On this question see e.g. *JQR*, xii, pp. 613 ff.; A. ALTMANN and S. M. STERN, *Isaac Israeli*, Oxford, 1958, pp. 4, 81. For further bibliography see my forthcoming *diquq ha-'aravith ha-Yehudith* §28, n. 1, to be published by the Hebrew University. Although the orthography is influenced by that of Classical Arabic, there are also Hebrew orthographic influences; thus consonantal *w* and *y*, especially when doubled, are often rendered by doubling the letter.

they belonged to a closed community that not only enjoyed autonomy in the purely religious sphere but had, amongst other things at its disposal, legal institutions and measures which (for example) forbade its members to convey real estate to Arabs (see e.g. Maimonides' *Responsa*, I, ed. Blau, Jerusalem, 1957, no. xlv). Not only is comparison to such writers as Heine, Börne, and Nordau quite unjustified, but even comparison with men like Moses Mendelssohn (see *Sprachgebrauch*, p. xii) or Martin Buber and Franz Rosenzweig who did actually write for a Jewish public would be inapposite: inasmuch as Mendelssohn's efforts were directed at promoting a knowledge of German civilisation⁷ and the achievement of emancipation, whilst Buber and Rosenzweig wrote in the post-emancipation era. The Jews in the middle ages, on the contrary, formed so compact a religious-social group that their distinctive character was bound to find expression in their products of the mind (with regard to religion as a factor in the formation of dialects, reference may be made to L. Bloomfield, *Language*,² New York 1933, p. 50). Friedländer's *a priori* assumption that there is a total absence of factors promoting the formation of dialect in Middle Arabic as used by Jews must consequently be rejected.

5. A comparison with modern Judaeo-Arabic dialects is highly instructive, although it is illegitimate to infer without qualification from the existence of such today that similar phenomena existed in the middle ages. Such comparison shows that whilst in many of the modern dialects found amongst Jews the main linguistic features find

⁷ The function fulfilled by Hebrew script in Judaeo-Arabic needs to be clearly distinguished from its function in the writings of Mendelssohn, even though the historical source is identical in the case of both. In Judaeo-Arabic, Hebrew script is used as a natural medium of communication; Mendelssohn, in his German translation, saw in the use of Hebrew script a key to the doorway into German culture. The Jewish public was not yet ready for texts printed in German characters, which accounts for the edition of Mendelssohn's translation which was printed in German type having attracted very little notice, cf. e.g. F. ROSENZWEIG, *Kleinere Schriften*, Berlin, 1937, p. 182. "The acquisition of German culture takes place under cover of Hebrew characters, and the German reading public becomes aware of it for the first time when it finds a generation of fully fledged German stylists, in both literary and journalistic fields, springing up from nowhere," (p. 183). We are not here concerned with FRIEDLÄNDER's statement (*Sprache*, p. 427) that the language reflected by the Septuagint is not Judaeo-Greek, but limit ourselves to referring to E. SCHWYZER, who it is true, points out (*Griechische Grammatik* I, Munich, 1953, p. 126) that the language of ancient Christian literature ought not to be studied in isolation, but must be placed in the context of the whole development of the Greek language—just as, of course, Judaeo-Arabic must be treated in the context of the other branches of Middle Arabic—but SCHWYZER admits that recent linguistic studies may have stressed somewhat unduly the vernacular element in the Septuagint and the New Testament.

their parallel in the speech of their Muslim neighbours, in some places the two are clearly differentiated (for details see Blau, *Tarbiš*, xxviii, p. 370, nn. 75, 76). Similar assumptions are to be made regarding dialects reflected in the Middle-Arabic texts of Jewish origin. In some cases these may well have been identical with the dialects spoken by neighbouring Muslims, but in others they bore the imprint of the distinctive history of the Jewish group: e.g. Jewish migration differed, both in direction and relative intensity, from the shift of population amongst the Arabs. The resultant linguistic mixture gave rise, in the case of the Jews, to dialects that were specifically Judaeo-Arabic. This interpretation of the situation does not rest on nothing more than general considerations of this sort, but is confirmed by an analysis of the linguistic character of certain texts: as I have demonstrated elsewhere (*Orbis*, vii, pp. 161-2), in the 12th century at any rate the speech of Egyptian Jews belonged (unlike that of their Muslim neighbours) to the north-west African group of dialects known as *Maghrebine*. We see, therefore, that so far from there having been any absence of factors which determine the formation of dialects amongst Arabic-speaking Jews, there was in fact operative amongst them some positive development towards distinctive speech habits.

Nevertheless, as far as concerns Middle-Arabic Literary Standard—the subject of this article—the importance of these specifically Jewish dialects is far less significant than a superficial first glance might suggest. Middle-Arabic texts written by Jews relatively seldom allow the distinctive characteristics of the dialect to find expression. Not only was there a marked influence of Classical Arabic on orthography, but all texts of Middle Arabic normally represent the consonants only, even partial vocalisation being comparatively rare. In this way criteria of importance became blurred, and the very frequent employment of so-called hyper-correct forms renders the distinguishing between dialects a difficult task. Moreover, Judaeo-Arabic writers were frequently at pains to avoid the use of special dialect forms that might present difficulties to speakers of dialects other than their own (cf. *Orbis* vii, pp. 160ff.), so that resultant Judaeo-Arabic texts do not differ significantly from those of Muslim or Christian Arabs. If, then, we are bound to assume the existence of distinctively Jewish-Middle Arabic dialects, that in itself will not justify us in reconstructing a distinctively Jewish Middle-Arabic Literary Standard. Even the circumstance that Jewish texts are nearer than are their Muslim

counterparts to the vulgar speech form—a feature acknowledged by Friedländer (*supra*, p. 16)—cannot justify our assuming a distinctive Judaeo-Arabic, inasmuch as the Christian texts do not seem to be any less close to vulgar Arabic than are the Jewish ones.

6. The situation is quite otherwise with regard to the Hebrew and Aramaic elements which occur with great frequency in Judaeo-Arabic texts (see Blau, *Leshonenu*, xxii, pp. 183-196). Friedländer is certainly right in drawing a distinction (see e.g. *Sprachgebrauch*, pp. xi-xii) between Hebrew, as a dead and purely literary language, on the one side and Arabic as a living language in colloquial use, on the other; but this does not in itself justify his *a priori* contention that a language of academic concern is incapable of exerting a marked influence on a living language. Because Hebrew was not a living language, Hebrew elements became integrated into Arabic (cf. *Leshonenu*, *art. cit.*, pp. 185ff.); and since in halakhic texts the frequency with which Hebrew elements occur is quite considerable, the effect of these elements has been, despite their integration into Arabic, to distinguish the language as spoken by Jews from that of Muslims and Christians: so that we may well be justified in speaking, in such cases, of a distinctive Judaeo-Arabic. Friedländer is again right in declaring that resort to Hebrew vocabulary is dependent upon the subject matter in hand, but the very frequency with which such topics are discussed proves their subject matter is, for Judaeo-Arabic, itself an integrating factor. It seems to us that Friedländer is wrong when he compares the use of Hebrew in Judaeo-Arabic with the use made of Latin in the specialised literature of German medical writers. The whole of Judaeo-Arabic literature, and not merely treatises dealing specifically with halakhic matters, is suffused with a religious element; and the degree of permeation is such that it ceases to be intelligible to non-Jews—partly, indeed, because of the inclusion of technical terms, but by no means wholly for that reason. Often quite popular works of an edifying nature, such as the *hibbur yafeh* of R. Nissim b. Jacob⁸ or the *pirqey 'avoth* of R. David *Ha-Nagid*,⁹ contain Hebrew words and sentences, although it is in halakhic writings that the Hebrew element occupies a far more prominent place, even the sentence-structure being often influenced by that of the Talmud. If we were to pursue Friedländer's comparison with Latin in the hands

⁸ See J. OBERMANN, *Studies in Islam and Judaism*, New Haven, 1933.

⁹ Alexandria, 1901.

of German medical writers, we should be forced into the position of making the following assertion: if medical themes and Latin technical terms had penetrated the mode of expression of German medical writers in all facets of their daily life, to the same extent as religious and Hebrew elements pervaded the lives of medieval Jewish authors, then we should have indeed been justified in speaking of a separate medical language, rather than of a mere medical jargon. It seems to us that the choice of subjects—almost all of them religious, in the widest sense of the term—the presence of Hebrew elements, and the employment of Hebrew script have left so unmistakable an imprint on the Middle Arabic of the Jews as to give us the right to speak of a separate Judaeo-Arabic language, clearly distinct from all other forms of Middle Arabic.¹⁰

7. But the decisive proof of the distinctive character of Judaeo-Arabic lies, in our opinion, not so much in its distinct identity as described above, as in the feeling of the Jewish authors themselves that they are in fact writing in a separate language.¹¹ One may agree that Judaeo-Arabic probably originated in the inability of writers to master Classical Arabic and its complex grammar, but, in course of time, it came to be thought of as a literary language in its own right, employed even by authors who were themselves fully competent in Classical Arabic. It is in this way only that one can explain the fact that writers who were themselves certainly capable of analysing grammatical phenomena nevertheless flout the rules of grammar,¹² and for all their knowledge of classical grammar write in a markedly vulgar

¹⁰ The passage of Arabic terms into Hebrew and *vice versa* as listed by STEINSCHNEIDER, *Arab. Literatur*, p. xxxv, shows also that writers assumed a knowledge of Arabic as well as of Hebrew on the part of some of their readers. On the other hand translations of Hebrew quotations found in popular writings indicate that a knowledge of Hebrew was not general.

¹¹ U. WEINREICH, *Languages in Contact*, New York, 1953, p. 69, pp. 105-6 (cf. also *Leshonenu*, xxii, pp. 195-6) lists four points which, singly or conjointly, attest the status of a newly emergent language. A *measure of stability* regarding form (WEINREICH's point no. 2) cannot really be said to exist in Judaeo-Arabic; the extent of the popular and Hebrew elements varies according to circumstances and the author's intention. Point no. 1, *a marked degree of difference*, has been dealt with *supra*, 6. Point no. 3, *the breadth of function*, clearly applies to Judaeo-Arabic, since it was employed not in everyday speech, but as a kind of literary standard. *The speaker's own rating*, WEINREICH's fourth and most decisive point, is the object of our immediate concern here.

¹² As does, e.g. the Karaite 'Ali ben Suleiman; see S. L. Skoss, *The Arabic Commentary of 'Ali ben Suleiman the Karaite on the Book of Genesis*, Philadelphia, 1928, p. 64.

form of the language.¹³ If Judaeo-Arabic was employed as a separate literary language by authors whose knowledge would equally have enabled them to write in Classical Arabic, the reason is that a clearly defined Jewish community made use of Judaeo-Arabic in connection with everything that had any bearing on it as a group. Hence we find, as in the case of every language that can boast a literature, that literary influences continue to make themselves felt, and forms that are to all appearances obsolete continue to be used in the traditional way. This is probably how we have to account for the use of *'an* to introduce indefinite attributes, including attributive sentences, even in late texts,¹⁴ and also, it would seem, for the accusative *'alef* indicating the subject and predicate¹⁵ even in modern texts.¹⁶ The continuance of this tradition may well explain, as S. D. Goitein has suggested,¹⁷ how it comes about in modern times that Ḥabshush, a Jew, with a literary tradition of long standing behind him, was able to write in an admirably fluent style, whereas his Muslim contemporary al-Jaradi, having as it were to forge his own vernacular as he goes along, writes in a language that is uncouth.

8. We come therefore to the conclusion that the status of a language in its own right has to be accorded to Judaeo-Arabic. Friedländer's comparison with modern, post-emancipation parallels must be rejected, since the Middle Arabic of the Jews does not reflect the language of individual, "emancipated" authors, but is rather the linguistic expression of a clearly defined, religio-ethnic society. That society developed its own literary standard, which enabled it to express itself on all matters that affected it. This language was not in itself decisively

¹³ As in the *pirqey 'avoth* of R. David (see n. 9), where notwithstanding its vernacular character the pronominal suffixes *hu/hi* are generally used in accordance with the rules of Classical Arabic, and thus presuppose a knowledge of vowel change in declension. MS Paris 583, a microfilm of which the Institute of Hebrew MSS of the Israeli Ministry of Education kindly allowed me to examine, no longer contains the *hu/hi* of Classical Arabic usage as found in the Egyptian printed edition: but traces of the use of *hi* show that in its *Vorlage* the distribution of *hu/hi* was as in the Egyptian print, so that we may assume that the use of *hu/hi* in accordance with the rules of Classical Arabic ascends to the author himself.

¹⁴ See D. H. BANETH, *Bulletin of the Jewish Palestine Exploration Society*, xii, p. 141 f., especially p. 153. It is interesting to note that the copyist, usually so exact, of Maimonides' Arabic *responsa* in MS Simonsen B, sometimes reproduces the *'an* of his *Vorlage*, but subsequently crosses it out—probably because he no longer understood it.

¹⁵ See BLAU, *Tarbiš*, xxv, p. 27 ff.

¹⁶ See S. D. GOITEIN, *Travels in Yemen*, Jerusalem 1941, §45; BANETH, *art. cit.*, example no. 38.

¹⁷ GOITEIN, *op. cit.*, p. 74 and d.

different from the Middle Arabic spoken by Muslims and Christians, being indeed more vulgar in form than the corresponding Muslim texts, but approximating in this respect to the Christian ones. Nor did the various Judaeo-Arabic dialects find much expression within Judaeo-Arabic, which was somewhat standardised into a relatively uniform pattern. On the other hand Judaeo-Arabic does presuppose some degree of familiarity with Hebrew, and its employment of Hebrew script and preoccupation with topics of specifically Jewish interest renders it largely unintelligible to the non-Jewish Arabic-speaking environment.¹⁸ But the decisive proof that Judaeo-Arabic held the status of a distinct literary language is to be recognised in the circumstance that the Jewish ethnic group considered it as such; it was consequently employed by writers who could equally well have written in classical Arabic had they so chosen, and its distinctive character finds expression in the very fact of its possessing a literary tradition of its own.

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¹⁸ It was in extreme cases only that, from motives of prudence, use of Judaeo-Arabic was avoided and Hebrew employed in preference to it. Thus, we may assume that Obadiah the Proselyte in Maimonides' day was conversant with Arabic, as he came from an Islamic country (cf. the title to *responsum* cccclxix in Freimann's edition of the *Responsa* of Maimonides from MS Neofiti 11, in the variants; the content of this *responsum* further shows that Obadiah was a convert from Islam—it would be difficult otherwise to understand the psychological background to his protest against the assumption that Muslims were idolaters). Yet Maimonides writes the *responsum* to him in Hebrew, although he normally wrote Hebrew *responsa* to those only who had little or no mastery of Arabic, like R. Phineas ha-Dayyan. The risk to the proselyte, who had probably left his homeland and emigrated to Palestine to escape persecution, was such that it was considered safer to write to him in Hebrew and not in Judaeo-Arabic.

Philo and the Zohar

A NOTE ON THE METHODS OF THE *SCIENZA NUOVA* IN JEWISH STUDIES

In tenui labor
(Vergil, *Georg.* iv, 6)

I

1. More than thirty years ago G. Scholem, referring to Jean de Pauly's notorious "translation" of the *Zohar*, lamented the sad fate of the hapless Kabbalah, "abandoned helplessly to dilettantism".¹ Since then much water has flown under the bridges and things have changed a good deal in kabbalistic studies. Mainly through the efforts of Scholem himself and his school not only has a new and supremely important branch of study been created almost *ex nihilo*, but moreover new standards of scholarship, philological precision and historical understanding have been set to Jewish studies as a whole.² Progress in kabbalistic studies will therefore have to be measured not so much by the degree to which Scholem's conclusions will be confirmed or refuted, but rather by the extent to which both his disciples and critics will add to his sources and improve upon his methods. Unfortunately for kabbalistic studies, Scholem's critics have sinned less in contesting his views—for aught we know, the critics may turn out one day to be right—but in arguing their case in a manner which can only be described as a return to the most dubious kind of irresponsible, tendentious and prescientific dilettantism. The pretence to academic scholarship robs their arguments even of the delightful freshness and engaging *naïveté* which are the redeeming features of genuine dilettantism.

2. Among Scholem's most brilliant achievements we must undoubtedly count his analysis of the history, composition and nature of the *Zohar*.³ But his findings on that controversial book have been repudiated in certain quarters with a vehemence that is truly impressive though with much less impressive arguments. The most recent attempt at a critical examination of Scholem's thesis was made by the President of Yeshiva University, New York, Prof. Samuel Belkin, in

¹ *Bibliographia Kabbalistica*, 1927 (Introduction, p. xi).

² Cf. the remarks of A. ALTMANN, *Jewish Studies: Their Scope and Meaning Today* (Hillel Foundation Annual Lecture, 1958), p. 12.

³ Summarised in *Major Trends in Jewish Mysticism* (abbreviated henceforth *MTJM*) 2nd ed., New York, 1946, pp. 156-204; cf. also *ibid.* pp. 205-43 on the doctrine of the *Zohar*. The significance of SCHOLEM's work on the *Zohar* has also been evaluated by I. TISHBY, *Mishnath ha-Zohar*, 1949, part i, pp. 65-6; cf. also TISHBY's summary of the zoharic problem, *ibid.*, pp. 67-108.

an article—almost a monograph—published in *Sura* vol. iii (1958), pp. 25-92: מדרש הנעלם ומקורותיו במדרשים האלכסנדרוניים הקדומים.

Prof. Belkin's article has the great merit of dealing with a definite and narrowly circumscribed subject, viz. that part of the *Zohar* known as *Midrash ha-Ne'elam*.⁴ Its drawback is that by limiting the scope of his enquiry, the author may have cut himself off in advance from what may be some of the most relevant evidence. In order to clinch his argument, Prof. Belkin should first have shown that the *MhN* can be studied in isolation. That he is himself not quite sure of this is hinted at in the concluding sentence of his article, where it is stated⁵ that his comparison of the *MhN* with Philo of Alexandria should not only change our present views concerning the *MhN* but moreover lead to a revision of current theories about "the *Zohar* as a whole".

3. Scholem's thesis,⁶ summarized somewhat inadequately by Belkin (*op. cit.* pp. 26-7), is well-known. Against some earlier scholars,⁷ Scholem holds the *MhN* to constitute the earliest part of the *Zohar*. It is certainly an organic part of the *Zohar* (i.e. it is not an independent text simply incorporated into the larger work), is by the same author, and contains the same ideas though representing an earlier stage of their development and crystallisation. It shows us as it were in the quick, the transition from Moses de Leon the neoplatonic philosopher to Moses de Leon the mystical theosophist. Scholem puts the date of composition of the *MhN* around 1280.⁸ Belkin accepts two of Scholem's major contentions, the first explicitly and the second by implication. These are: (i) the *MhN* is the earliest part of the *Zohar*, and (ii) *MhN* and *Zohar* somehow belong together. However, after admitting that Scholem has made an important contribution to zoharic studies by proving the priority of the *MhN*, Belkin goes on to claim for this text a much earlier date. In fact, those who assume a late, medieval date "are in complete error" (*op. cit.* p. 91); much of its contents antedate even R. Simon bar Yoḥai (!) The *MhN* is nothing but an old Palestinian *midrash*, incorporating in its turn much material from the Alexandrian *midrashim* of the kind

⁴ Abbreviated henceforth as *MhN*; all references, whether to the *Zohar* or the *Zohar Hadash* (abbreviated *Z.H.*) are to the edd. of R. MARGALIOTH.

⁵ *Op. cit.*, p. 92.

⁶ Cf. *MTJM*, pp. 181-8.

⁷ I. STERN in *Ben Chananja* i-v (1858-62); also JACOB EMDEN in *Mitpāḥath Soferim*, (1769).

⁸ According to TISHBY (*op. cit.*, pp. 106-7) the *terminus ante quem* is around 1286, i.e. the end of the first period of Moses de Leon's pseudepigraphic activity.

preserved for us mainly in the writings of Philo.⁹ By adding a final vague hint about the connection of the *MhN* with the *Zohar*, Belkin seems to suggest that thanks to the establishing of an early date for the former, our current theories about the *Zohar* too will have to be revised.¹⁰

4. Prof. Belkin's argument proceeds by listing a large number of "parallel" texts from the *MhN* and the "Alexandrian *midrash*". These "literal correspondences" (*sic! op. cit.* p. 28) are alleged to be so convincing that no "profounder enquiry"—apparently none had hitherto been attempted—can fail to arrive at the conclusion that "most of the sayings of the *MhN* can be found literally in the Alexandrian tradition" and that the *MhN* therefore "undoubtedly" (*ibid.*) embodies hellenistic material which, for some unknown reason, the other Palestinian *midrashim* have embezzled. Prof. Belkin emphasizes that his conclusions were reached not by "subjective feelings, not even by principles of probability, but by the method of many comparisons between Palestinian and Alexandrian *midrashim*" (*ibid.*). Before examining more closely the alleged parallels and literal correspondences, it is necessary, therefore, to clarify the meaning, relevance and possibilities of the so-called "comparative method", particularly as Prof. Belkin as much as admits the specifically medieval character of the *MhN*. He insists that no one but the writer responsible for the basically hellenistic substratum of the *MhN* deserves the title "author", whereas Moses de Leon or whoever else handled and released the text—with his own additions here and there—may not be called anything but "redactor" (p. 30). This redactor (or redactors) deserves our gratitude for having transmitted and edited for us the old Alexandrian tradition (p. 31).

5. Before looking more closely at this semantic conjuring trick with the words "author" and "redactor", let us glance quickly at the problem of the comparative method in general. It is a fact well-known to students of literature and the history of ideas that concepts, images, technical terms, and even whole configurations and patterns of thought have a life of their own, and are very often transmitted, with greater or lesser modification, by intermediaries that have lost all

⁹ For all quotations from and references to Philo, I have used the text of the Loeb Classical Library series (ed. Colson and Whitaker, 1929 f.; the two supplementary vols. *Quaest in Gen. et. Ex.*, 1953, ed. Ralph Marcus).

¹⁰ Cf. the quotation at the end of my §2.

direct knowledge or awareness of their ultimate source. The phenomenon is especially familiar to students of medieval and renaissance literature where we often find ourselves dealing with writers distinguished equally for their lack of originality and for their wide reading and eclectic copying. We may safely assume that most renaissance writers, were they living today, would be involved in charges of plagiarism and infringement of copyright. Philosophical ideas, motifs and phrases become commonplaces and are freely quoted, borrowed and copied without bothering too much about acknowledgments. The student of a particular literary document can often amuse himself by reading dozens of extremely learned source-studies which virtually cancel each other out. Writers took their material from wherever they could most conveniently get it and more often than not this was *not* the ultimate source. Why should Milton have known the *Zohar* when he probably read Fludd and other seventeenth-century Neoplatonists who copied Reuchlin, who in turn quoted some kabbalistic texts?¹¹ Why should a thirteenth-century Jewish writer mentioning a neoplatonic commonplace be supposed to draw on Plato or Philo, or even on Plotinus or Proclus? He may just as well have got his ideas from a twelfth-century source which had used the so-called *Theology of Aristotle* or Al Kindi or the *Epistles of the Pure Brethren* or a similar source. Neither Plato's *Timaeus* nor Philo's *De Opif. Mundi* are relevant to an understanding of a Jewish author who speaks of the divine architect constructing the universe according to the blue-print of the *Torah*. It is quite sufficient to know that the idea can be found at the beginning of *Genesis Rabbah*—however interesting the story of how it got there may be. Those who want to walk the way of the comparative method should tread delicately. Arguments based on the occurrence of such stock ideas as that of the tripartite soul (Belkin, *op. cit.*, pp. 58-60) or of the four elements of matter (p. 50) must strike the reader as disingenuous. It would have been far more to the point to discover two medieval authors who did *not* hold the view that matter consisted of four elements, for in that case some kind of connection would at least be probable. In matters like these, therefore, "comparative study" can mean one of two things only: either that the historical background of the texts to be compared (e.g. relevant biographical information about the authors), makes comparison necessary and meaningful, or else that the analogies and

¹¹ Cf. WERBLOWSKY, *Milton and the Conjectura Cabbalistica*, *Journal of the Warburg and Courtauld Institutes*, xviii, 1955, p. 97.

correspondence are so specific or all-embracing that they compel us to postulate some kind of historical connection.

6. Confusion may also ensue from not distinguishing sufficiently between the historical and the typological significance of a particular term. Thus "Platonic" influence may mean either the direct influence of Plato's writings, or the characteristic features of a certain kind of philosophical thought deriving ultimately from Plato or from schools inspired by him.¹² The presence of Philonic motifs in the *MhN* therefore poses the following question: what in them is Philonic in the sense in which Porphyry, Proclus or the early Islamic philosophers were "Philonic", and what can be explained in terms only of direct relationship with Philo? It is only when the latter question has been answered in the affirmative, and the specific elements have been clearly defined and disengaged, that it is possible to proceed to the next stage of our enquiry and to ask whether this relationship is one of direct or indirect dependence of one text on the other, or of common dependence on a third source. In the former case the enquiry would have to proceed to an examination of the actual possibilities of historical filiation. Supposing, for the sake of argument, that the *MhN* contains genuinely hellenistic material, we should next have to ask ourselves whether the *MhN* as a whole is a hellenistic document or whether, considering its undisputed medieval features,¹³ its author had access to some hellenistic texts which he used. If the second alternative is accepted, then the concomitant historical problems will have to be faced squarely and cannot be evaded by semantic juggling with the nouns "author" and "redactor". If members of the Medicean academy in Florence read newly discovered or translated Greek texts, they remained renaissance authors all the same; mediocre and unoriginal renaissance compilers perhaps, but certainly not "redactors".

7. Prof. Belkin himself provides an admirable illustration of this point. Among his decisive "proofs" that the *MhN* uses hellenistic sources are the quotations in it from the *Wisdom of Solomon* (*op. cit.*, p. 28). It will be shown later¹⁴ that there is not a single such quotation in the whole *MhN*. But even granting Prof. Belkin's assumption, what

¹² In addition to the distinction between direct and indirect filiation, we have also to distinguish between the "historical" and the purely "typological" meaning of a term. For the purposes of our present enquiry, however, the latter distinction may be disregarded.

¹³ Cf. *infra*, §35.

¹⁴ Cf. *infra*, §13 and 16b.

does it prove? We do know, though Prof. Belkin omits to mention this important fact, that the early Spanish kabbalists possessed an Aramaic version of *Wisdom*¹⁵; it is quoted twice by Nahmanides in the introduction to his commentary on the Pentateuch¹⁶ and again in two other of his writings. Why should not the medieval "redactor" have used it as well? Prof. Belkin's argument would have us believe that the author of the *MhN*, as it were a contemporary or near-contemporary of Philo, knew the *Wisdom of Solomon* only from the Syriac Peshitta version (p. 30)—a version which, of course, at that time did not yet exist.

8. Before proceeding to a detailed examination of Prof. Belkin's evidence it may be useful briefly to recall what is beyond dispute: (a) There is an old Jewish *midrash* antedating Philo, even if its influence on some hellenistic productions¹⁷ is not so great as some scholars seem to suggest; (b) Philo represents the culmination of Jewish hellenistic philosophy and piety, and not their beginning—even if these are not quite as old as Gfrörer and also Belkin (p. 31) seem to believe; (c) Hellenism did influence Palestinian rabbinic Judaism profoundly, but it was not the Hellenism of the philosophical schools but rather the popular, platonic-stoic philosophy of the street: there was cross-fertilization between rabbinism and Alexandrian hellenism¹⁸; (d) The direct influence of Philo and of Jewish hellenism in general on later Judaism is practically *nil*. Though Philo seems to have been known, in one form or another, among Oriental Jews,¹⁹ he exercised no influence at all on Jewish philosophy and Kabbalah.²⁰ The first author to quote a Jewish hellenistic source seems to be Isaac Abravanel²¹; (e) The *MhN* bears all the marks of a medieval text, whatever the amount of early material that it may embody.

II

9. Having stated what seem to be generally accepted and somewhat commonplace facts, we may now turn to our specific problem.

¹⁵ Cf. also A. MARX, *An Aramaic Fragment of the Wisdom of Solomon*, JBL, XL 1921, pp. 57-69 and SCHOLEM's remarks in *Kiryath Sefer* i, 1924-5, pp. 163-4.

¹⁶ The quoted passages correspond to *Wisdom* 7: 5-8, 17-21 of the extant text.

¹⁷ E.g. the LXX.

¹⁸ Cf. J. GUTTMANN, *Philosophie des Judentums*, 1933, p. 373, n. 83.

¹⁹ Cf. S. POZNANSKI, *Philon dans l'ancienne littérature judéo-arabe*, REJ, L, 1905, pp. 10-31.

²⁰ GUTTMANN, *op. cit.*, p. 381, n. 249.

²¹ I. HEINEMANN, *Die wissenschaftliche Allegoristik des jüd. Mittelalters*, HUCA xxiii, vol. i, 1950-1, p. 642.

Broadly speaking, the similarity between *MhN* and the Alexandrian-Philonic *midrash* is twofold: it concerns alleged "verbal correspondences" as well as the general, allegorical approach to Scripture. Nothing illustrates the vast difference between Alexandrian and Palestinian *midrashim* so well as their respective approach to allegory. For in spite of the aforementioned cross-fertilization,²² single Greek motifs and ideas only penetrated rabbinic *'aggada* but not the hellenistic method of allegorical interpretation.²³ We need not, therefore, be surprised if Philo's method turns out to be unparalleled in the old Palestinian *midrashim*; Prof. Belkin's "conclusion" (p. 31) that the allegorical exegesis of the *MhN* has no analogy in the known Palestinian *midrash* but resembles Philo is thus nothing short of a truism. Consequently, no discussion of the allegorical exegesis in the *MhN* can afford to avoid the wider problem of the resurgence of allegory in the Middle Ages. Prof. Belkin has seriously impaired the value of his study by treating the *MhN* in isolation instead of comparing it with the philosophical allegory of medieval Jewish writers.²⁴ Did e.g. Solomon ibn Gabirol, of whose allegorical interpretations a few samples have by chance been preserved,²⁵ or the other Jewish allegorists²⁶ draw on hellenistic (or possibly Christian) examples? Or is allegory the inevitable and automatic outcome of an outlook which, though philosophic, yet does not give up its loyalty to a sacred but thoroughly un-philosophical text?

10. Our last question spotlights another regrettable feature of Prof. Belkin's article. Most unfortunately Prof. Belkin greatly overrates the scholarship of his readers by simply taking it for granted that they are all aware that the problems which he raises—as well as those which he fails to raise—have already been treated at length during the last hundred years. Thus D. Kaufmann,²⁷ noting the similarities of medieval allegory with Philo, concluded that here was no case of "literary

²² Cf. *supra*, §8.

²³ Cf. I. HEINEMANN, *Altjüdische Allegoristik, Jahresber. Breslau*, 1936, particularly pp. 70 f., 85 f.

²⁴ Cf. I. HEINEMANN, *op. cit.* [n. 21], pp. 611-43.

²⁵ Cf. W. BACHER, *Die Biblexegese d. jüd. Religionsphilosophen d. Mittelalters vor Maimuni, Jahresber. Budapest*, 1892, pp. 45-55, and D. KAUFMANN, *Studien über Salomon ibn Gabirol, Jahresber. Budapest*, 1899, p. 63 f.

²⁶ Cf. BACHER, *Die Biblexegese Moses Maimunis, Jahresber. Budapest*, 1896; Astruc of Lunel's *Minhath Qena'oth* (Pressburg 1838); *Ma'aseh Nissim* by Nissim of Marseilles (printed in J. H. SCHOR's *Hechalutz*, viii, 1865, pp. 101-144); the *responsum* published by D. KAUFMANN in *Jubelschrift Zunz*, 1884, (German part, pp. 143-51, and Hebrew part, pp. 142-74).

²⁷ *Op. cit.* [n. 26], p. 145.

analogy, but a real after-image of Philo, to be accounted for historically," the historical explanation being "es ist der auf dem Wege über die Kirchenväter in die Synagoge eingedrungene Philo". Yet even Kaufmann, convinced as he was of the thoroughly "Philonic" character of medieval allegory, did not make bold to claim for the latter a *direct* relation with Philo. The truth, however, is certainly with Heinemann, who points out²⁸ that there is no evidence of medieval Jewry being acquainted with Jewish hellenism. Heinemann's conclusion that a "comparison of their respective allegorical interpretations argues against rather than for the use of Philo [by the medieval allegorists]" is borne out by any discerning reading of the texts, and holds true for the *MhN* no less than for ibn Gabirol and others.

11. Passing from medieval allegory in general to the *Zohar* in particular, it must be added that analogies and correspondences with Philo were already noted by A. Franck,²⁹ C. Siegfried,³⁰ and S. Karppe.³¹ Likewise I. Tishby³² mentions in passing that the similarities in the way of allegorical interpretations are particularly striking in the case of the *MhN*, but thinks that this is sufficiently accounted for by the *Zohar*'s dependence on earlier medieval Jewish philosophers "who were in fact influenced—albeit indirectly—by Philo". Moreover, the view that the *Zohar* embodies genuinely early sources which were edited by a medieval "redactor" has a respectable age in the history of zoharic studies. Not only was it put forward by Moses Hagiz,³³ 'Avi 'Ad Sar Shalom Basila of Mantua,³⁴ and David Luria,³⁵

²⁸ *Loc. cit.* [n. 21], p. 642.

²⁹ *La Kabbale ou la philosophie religieuse des Hébreux*, 1842. FRANCK, of course, in accordance with his view of the antiquity of Kabbalah, held that both Philo and the *Zohar* draw on earlier, Iranian traditions.

³⁰ *Philo v. Alexandrien als Ausleger des Alten Testaments*, 1875, pp. 289-99.

³¹ *Étude sur les origines et la nature du Zohar*, 1901, pp. 527-81 ("Philon et le Zohar, deux expressions analogues de l'allégorisme"). KARPPE's opinion deserves to be quoted in his own words: "Ce n'est pas que nous croyions à une action de Philon sur le Zohar car nulle part n'apparaît le trait d'union qui pourrait relier l'un à l'autre. Tout au plus peut on admettre que l'oeuvre de Philon s'est infiltrée par la voie obscure de la tradition dans le mysticisme talmudique et a cheminé à travers le moyen-âge jusqu'à l'école d'Isaac l'Aveugle. En tous cas il ne peut être question d'action directe. Mais Philon et le Zohar représentent l'un et l'autre l'effet d'une même loi agissant sur la pensée juive". This law is the appearance of allegory as a result of the contact of Judaism with non-Jewish (philosophical) thought.

³² *Op. cit.* [n. 3], p. 98. Cf. also SCHOLEM's remarks in *La loi dans la mystique Juive*, Diogène no. 14 (April, 1956) p. 3.

³³ *Mishnath Hakhamim*, 1733.

³⁴ *'Emunath Hakhamim*, 1730.

³⁵ *Ma'amar Qadmuth ha-Zohar*, 1856 and 1887.

but it was even advanced by Scholem himself in one of his earliest publications on the subject,³⁶ in which he actually spoke of Moses de Leon as the possible redactor of old midrashic sources who, whilst editing his material, here and there added something of his own.³⁷ Scholem did not, of course, propose this view as a solution of the zoharic problem but rather as a working hypothesis and a research programme. If in the course of his subsequent studies he was compelled to abandon this theory completely, the reason was that it broke down on further investigation, and not because he had been unaware of its possibility. In other words, Prof. Belkin's challenge to kabbalistic students to revise their attitude to the *Zohar* in general³⁸ does not, in fact, open up fresh avenues for exploration but merely invites us to return to an old theory that has failed to stand the test.

12. What distinguishes Prof. Belkin's collection of parallels from that of e.g. C. Siegfried is its deliberate restriction to the *MhN* part of the *Zohar*. Since the *MhN* is in fact the less specifically kabbalistic, and more philosophically allegorising part of the *Zohar*,³⁹ the juxtapositions should be particularly instructive. For, once two philosophical writers have made up their minds to find certain neoplatonic ideas (Intellect, matter, virtue, descent and ascent of the soul, etc.) in Scripture, are not their results bound to be similar? How close or detailed and specific must a similarity be in order to render identity of outlook and mentality insufficient as an explanation? These are the questions which Prof. Belkin's article poses, though he has not posed them himself. And since these questions have already been asked by Scholem and others, Prof. Belkin's attempt to prove the antiquity of the *MhN* stands and falls not with the texts he has juxtaposed, but with the method by which they are analysed. The remainder of this article will be devoted to an examination of the method—or rather, lack of method—exhibited in Prof. Belkin's arguments.

13a. Mention has already been made⁴⁰ of alleged quotations in the *MhN* from the *Wisdom of Solomon*, a book which contains many platonic and stoic elements. A passage in the *MhN* (Z.H.12b) quoting the **כפרא דחכמתא דשלמה מלכא** to the effect that above the four archangels bearing the Throne of Glory there was an even higher

³⁶ "האם חיבר רמ"ם די ליאון את ס' זוהר?" vol. I, 1326, p.16ff.

³⁷ *Ibid.* p. 28-9.

³⁸ Cf. *supra*, §2.

³⁹ Cf. TISHBY's remark referred to *supra*, §11.

⁴⁰ *Supra*, §7.

angel—obviously Metatron—is compared by Prof. Belkin with *Wisdom* xviii: 15-6⁴¹:

Thine all-powerful word leaped from heaven down from *the* royal throne, a stern warrior, into the midst of the doomed land, bearing as a sharp sword thine unfeigned commandment, and standing filled all things with death; and while it touched the heaven it trode upon the earth.

Belkin admits in so many words (p. 29) that the *MhN* does not really “quote” *Wisdom*, yet he blithely compares the two passages, the *tertium comparationis* being “obviously” (*ibid.*) their common idea of the divine *logos*. The only snag is that the *MhN* nowhere mentions the *memra*, while the *logos* is never mentioned in *Wisdom*, the main subject of which is חכמה—σοφία.⁴² The verse quoted from *Wisdom* might, of course, have been used as a starting-point for an investigation of the pre-history of Philo’s λόγος τομεύς,⁴³ a question which gains in interest with regard to *Hebr.* iv: 12, ζῶν γὰρ ὁ λόγος τοῦ Θεοῦ . . . καὶ τομώτερος ὑπὲρ πᾶσαν μάχαιραν δίστομον κτλ.

The dependence of this concept on Philo has already been discussed by Gfrörer⁴⁴ and Siegfried,⁴⁵ but clearly the reference to the divine word of judgement, descending upon earth like a terror and a two-edged sword⁴⁶ has nothing to do with the *MhN* passage concerning the superiority of Metatron over the archangels. Yet Belkin actually states that the *MhN* interprets the “omnipotent Word” of *Wisdom* as the *memra* (p. 30). With sufficient disregard of philological precision almost anything can be proved and, sure enough, in his discussion of Metatron and the Philonic *logos* (p. 82) Prof. Belkin actually declares that “according to the *MhN* (!) Metatron is the omnipotent Word descending from the Throne of Glory”. Having formulated an unwarranted analogy between the two quotations, Prof. Belkin first turns the analogy into an equation and then, either by sheer confusion or with the help of the “comparative method”, goes on to attribute to the *MhN* a phrase that occurs in *Wisdom* only.

13b. *Wisdom* xiv: 16-7 speaks of heathen rulers setting up their images as objects of worship. These verses are alleged to correspond

⁴¹ I have used the text in R. H. Charles (ed.), *The Apocrypha and Pseudepigrapha of the O.T.*, 1913, vol. i.

⁴² The relation of the σοφία of *Wisdom* to Philo’s λόγος is, of course, a special problem with which we are not concerned here.

⁴³ *Quis Rer.* 130, 133 f., 146.

⁴⁴ *Philo u. die Alexandrinische Theosophie*, 1831, vol. i, pp. 185-8.

⁴⁵ *Op. cit.* [n. 30], pp. 325-6; cf. also BREHIER, *op. cit.* [n. 54], pp. 86-9.

⁴⁶ Cf. the note of the editor of *Wisdom* (Holmes) *ad loc.* (*op. cit.* [n. 41], p. 565).

to a passage in the *MhN* (Z.H. 17c) which is so obscure that Prof. Belkin has to admit that some of its words are not known in either Syriac or Aramaic, and that little sense can be made of it. In all probability the text is not merely obscure but is in fact downright gibberish of the kind indulged in occasionally by the *Zohar* for the mystification of its readers.⁴⁷ At any rate the passage cannot be used to prove anything. The *Zohar's* quotations from the ספרא דחכמתא ספריה דשלמה seem thus to be on a par with the many other quotations from non-existent books⁴⁸ which have been carefully listed by S. A. Neuhausen, a scholar with a sense of humour, in a catalogue entitled מעלה של מפירה (1937). Although an Aramaic *Wisdom of Solomon* was known to the early Geronese kabbalists,⁴⁹ the *Zohar's* book of that name undoubtedly belongs to the "Celestial Library"; it is listed as item no. 59 in Neuhausen's catalogue.⁵⁰

14a. An enumeration of the main themes of the *MhN* suggests to Prof. Belkin (p. 30) that this *Midrash* contains Alexandrian themes and doctrines. He omits, however, to add that if this argument were valid, it would apply to all medieval neoplatonists as well. Thus we are told that it is impossible to understand *MhN's* doctrine of creation without reference to Philo (Belkin, p. 31), but the analogies adduced hardly go beyond the usual neoplatonic (i.e. "Philonic") stock ideas. Belkin cites six passages from the *MhN*. The first (Z.H. 6d) is part of a text that actually begins with a few lines taken from pseudo-Maimonides ס' הנמצא (Salonica, 1595) i.e. from the source of the latter, [pseudo-?] Galen's ספר הנפש, which was translated from Arabic into Hebrew by Al-Ḥarizi.⁵¹ Comparing the quotations from the *MhN* (Belkin, pp. 32-3) with those from Philo (pp. 34-6)—most of which are completely irrelevant—it appears that both writers regard the lower creation as somehow due to intermediary agents and that the four elements were among the first things created. This can hardly be said to amount to very much. For the rest, the differences are obvious. The *MhN* has nothing whatsoever to correspond to the λόγος as an agent or ὄργανον of creation,⁵² certainly not

⁴⁷ For examples, to be compared with our passage, see *MTJM*, p. 167 and p. 389, n. 59; also TISHBY, *op. cit.* [n. 3], pp. 78-9.

⁴⁸ Cf. *MTJM*, p. 174.

⁴⁹ Cf. *supra*, §7.

⁵⁰ *Op. cit.*, p. 12.

⁵¹ Ed. by JELLINEK (*Dialog über die Seele von Galenus*), 1852; cf. also *idem*, *Beiträge zur Geschichte d. Kabbalah* ii, 1852, p. 73. Cf. also S. SACHS in KOBAC'S *Jeschurun* vol. i no. 3 (1857), p. 95.

⁵² Cf. *De Cher.* 127.

Metatron.⁵³ Philo identifies his "forces" or λόγοι with the ἰδέαι and these, again, are the same as δυνάμεις.⁵⁴ The *MhN* knows of three agents or artisans only, namely, Heaven, Earth and Water. The relation of these three agents⁵⁵ to the four elements presents an interesting problem. The agents are certainly not "the powers which God laid into the four elements" as Belkin puts it (p. 34). The whole point of the *MhN* is that the elements, which are also called כוחות,⁵⁶ reside in the principal agents Earth (earth), Water (water), and Heaven (fire and air).⁵⁷ However, Heaven and Water laid their elemental forces into the Earth, so that earth by itself contained *all* four elements and could thus by itself provide the material part of man which, though described as "dust of the ground" (*Gen.* ii: 7), is yet composed of all the four elements. Similar expressions of this philosophic commonplace occur also in earlier kabbalistic texts, e.g. Nahmanides: והארץ תכלול ארבעה היסודות כולם.⁵⁸ Philo's description of the process of creation is different altogether,⁵⁹ not to speak of his doctrine of the eternity of matter.⁶⁰ According to the *MhN* the four elements are indicated in *Genesis* thus: fire=*Tohu*,⁶¹ air=*Ruah*, water=*Bohu* and earth=*Hoshekh* ("darkness"). For Philo, on the other hand, darkness and the abyss correspond to the essential form of air and to the void—two of the seven entities that make up the ἀσώματος κόσμος existing ἐν τῷ θεῷ λόγῳ.⁶²

14b. There is also an interesting difference in the account of the creation of man. According to Philo, God makes a special point of having associates when creating man, in order to exonerate himself from the responsibility for moral evil.⁶³ *MhN* has it the other way round: the three principal agents brought forth all the lower creatures without special assistance from God. Only when it came to the creation of man were they (*viz.* the earth, representing them all) joined by

⁵³ Cf. *infra*, §33c.

⁵⁴ *De Spec. Leg.* 48 and 329; cf. also the remarks of E. BREHIER, *Les idées philosophiques et religieuses de Philon d'Alexandrie*,³ 1950, p. 156.

⁵⁵ *Z.H.* 13a, 13d, 16b-c.

⁵⁶ *Ibid.* 13d.

⁵⁷ This seems to be the correct interpretation of *Z.H.* 16b.

⁵⁸ *ad Gen.* i: 1. For Nahmanides, however, fire=*hoshekh* (so also for Mai-monides, see *Guide* ii: 30) and water=*tehom*.

⁵⁹ *De Opif.* 29f.

⁶⁰ Cf. *infra*, §19a.

⁶¹ I have not succeeded in finding any "source" for the statement מקום יש בכרי which is, of course, constructed on the analogy of similar sayings in the Talmud.

⁶² Cf. *De Opif.* 29 and 36.

⁶³ *De Opif.* 72 f.; the idea goes back, of course, to *Tim.* 41-2.

God, who gave the soul after earth had provided the body (Z.H. 16b-c). Prof. Belkin's remarks, in this context (pp. 35-6) on *De Spec. Leg.* i, 329 and *MhN* (Zohar i, 117b) will be discussed below.⁶⁴

15a. Apart from eschatology, anthropology and psychology are among the favourite themes of the *MhN* and Prof. Belkin is certainly right in emphasizing once more the truism that rabbinic 'aggada knows nothing of the radical division of man into a pure soul, created by God, and a vile body created by intermediaries.⁶⁵ But this, of course, is tantamount to saying that the *MhN* could, perhaps, be profitably read in the context of medieval, neoplatonic psychology. It might e.g. have proved worth while systematically to compare the anthropology of the *MhN* with the material assembled in so old a work as S. Horovitz, *Die Psychologie der jüdischen Religions-Philosophen des Mittelalters von Saadia bis Maimuni*, (1898-1912), or—even better—with Moses de Leon's Hebrew work on anthropology הנפש והחכמה. Prof. Belkin, however, prefers to compare the *MhN* exclusively with Philo, and since the former states (Zohar i, 98a) that "the soul of the righteous eagerly awaits its departure from this world in order to enjoy the Hereafter"⁶⁶ he concludes that Philo's remarks (*passim*) on life as slavery and exile, and death as liberation are the "early source" of the *MhN*. Why Philo, one wonders, and not Plato⁶⁷ or other writers using the Orphic σῆμα-σῶμα commonplace? Why not, in fact, Bahya ibn Pakuda, or Ibn Gabirol, or Isaac Israeli?⁶⁸

15b. A similar question could be asked with regard to Belkin's discussion of another doctrine of the *MhN*. In Zohar i, 109a-b the Platonic commonplace of the tripartite soul is stated with a significant difference from Philo's version of it. Philo is much concerned with the division of the soul into a higher and a lower part (ζωὴ ἔναιμος—ψυχὴ ψυχῆς, δύναμις λογικὴ—δύναμις ζωτικὴ, νοῦς—αἰσθησις),⁶⁹ but always uses the classical terms "nutritive", "sense-perceptive"

§34.

⁶⁴ Also early Christian anthropology, and especially St. Paul, still bears traces of this Jewish, non-Platonic attitude. On the important difference, in this respect, between the pairs of opposites spirit-matter and spirit-flesh, cf. D. FLUSSER, *The Dead Sea Sect and pre-Pauline Christianity*, in *Aspects of the Dead Sea Scrolls (Scripta Hierosolymitana, IV)*, 1958, particularly pp. 252-63.

⁶⁵ Cf. also Moses de Leon in הנפש והחכמה: הנפש היא בעולם הזה בסאטן הגוף; הנפש החכמה היא בעולם האמת בסאטן הנפש. The earliest Jewish statement of this idea is in Bahya ibn Pakuda.

⁶⁶ *Gorg.* 493A, *Crat.* 400B.

⁶⁷ Cf. A. ALTMANN and S. M. STERN, *Isaac Israeli: A Neoplatonic Philosopher of the Early Tenth Century (Scripta Judaica, i)*, 1958, pp. 107 f., 192.

⁶⁸ Cf. *Quis Rer.* 54-5; *Quest. in Gen.* ii, 59; *Leg. All.*, *passim*.

and "rational" for the three parts of the soul. The *MhN*, on the other hand,⁷⁰ uses the medieval terms כח הנשמה הקדושה (= כח השכל), כח התאוה (or המתאוה), and כוח המניע, viz. כוח המחזיק or נפש הנוף. The latter terminology is particularly interesting since it is identical with that of Moses de Leon in his Hebrew writings (כוח המקיים) as well as with the zoharic definition of *nefesh* as קיומא דנופא.

15c. The tripartite soul being one of the most hackneyed themes of medieval philosophy, it is only by a particularly close attention to shades of meaning and to terminological detail that one can hope to get anywhere. By a determined disregard of all such details, Prof. Belkin (p. 41) easily succeeds in identifying the contents of his *MhN*-quotations with those from Philo. A good illustration of this terminological slipshodness is provided by Prof. Belkin when, in his discussion of the tripartite soul he states (p. 40) that the *MhN* speaks of a נשמת הנוף (*sic*)—a term which occurs nowhere in the *MhN* or *Zohar*. Yet it is precisely from a careful analysis of "negligible" details of this kind that the conclusion is forced upon the student that the *MhN* cannot be a hellenistic *midrash* but is a medieval composition, clothing in its purely Jewish terminology of *nefesh-ruah-neshamah* a long historical evolution of the tripartite psychology.⁷¹ The main text from the *MhN* (*Zohar* i, 109) on which Belkin's argument is based will be discussed below.⁷²

16a. A most instructive illustration of the vast difference between Philo and the *MhN*, in spite of superficial resemblances, is provided by Prof. Belkin's discussion of the fate of the souls of the righteous and the wicked respectively (pp. 41-4). To say that according to *MhN* נשמת האדם מורכבת מנשמה שכלית ונשמה בלתי שכלית (p. 41) is to make oneself guilty of a terminological confusion which neither the *MhN* nor Moses de Leon would ever have permitted himself, though it is true, of course, that the higher, rational and holy soul is engaged in mortal combat with the passions of the lower soul. Philo's idea of bodily death as spiritual life and *vice versa* is, of course, derived from Plato,⁷³ and is shared by all Platonists. Distinctively medieval, however, is the definition of the soul as "hewn from under

⁷⁰ *Zohar* i, 109a-b; cf. also *Z.H.* 14b and, of course, the identical passages in Moses de Leon's *חכמת החכמה*.

⁷¹ Cf. e.g. *Zohar* i, 62b, 81a; this doctrine of *nefesh, ruah, neshamah* is completely identical with that of Moses de Leon. Cf. on the whole subject, *Scholem, MTJM*, pp. 240-3.

⁷² §18 (particularly 18d).

⁷³ *Phaedo*, 64 f.

the Throne of Glory".⁷⁴ Early rabbinic tradition only knows that נשמתן של צדיקים נגזרות [and not כסא הכבוד] (B. *Shab.* 152b), i.e. the Throne of Glory is the place of celestial reward; only much later was it also turned into the place of *origin* of the soul.⁷⁵ Moses de Leon, moreover, adds a very distinctive feature to his mystical psychology: the *neshamah* can never sin. Man's psycho-physical life requires the presence of *nefesh* and *ruah* only. Death occurs when the *ruah* departs. Whenever man sins, the celestial נשמה— $\nu\omicron\zeta$ departs from him and he falls from neoplatonic grace. *Neshamah* is thus never soiled or dragged down; it is merely man who soils and abases himself, by identifying himself with his mortal *nefesh* and separating himself from his essentially immortal *neshamah*. This is also the obvious sense of the *MhN* quotations adduced by Belkin. כרת, "cutting off" therefore means the annihilation of the earthly, mortal soul with which the sinner has identified himself, instead of identifying himself and his *nefesh* with the celestial *neshamah*. The *Zohar* can thus afford to press the scriptural phrase הכרת תכרת הנפש quite literally. Philo's interpretation is the exact opposite: it is the individual soul (and here $\psi\chi\eta = \nu\omicron\zeta$) of the bad man which is sunk in his bodily passions and thereby cut off from returning to its *genus*, i.e. to its celestial home in the general, heavenly $\nu\omicron\zeta$. For the unfortunate soul— $\nu\omicron\zeta$ of the sinner, the $\sigma\omega\mu\alpha$ has definitely and irrevocably become a $\sigma\eta\mu\alpha$.

16b. At this point another of Prof. Belkin's parallels between *MhN* and *Wisdom* must be mentioned. In a highly suggestive image, the *MhN* describes the cutting off of the soul to the הבל (=הבל פה) or vaporous breath emitted from the mouth, which hardly rises two or three inches before it disappears. It is a fitting image of כרת: an ethereal soul-substance disappearing into utter annihilation. Now this, we are told by Prof. Belkin (p. 43) is connected with *Wisdom* iii: 11⁷⁶ which describes how the ungodly shall be requited: "and void

⁷⁴ נגזרה [נגזרות] מכסא [מתחת לכסא] or חכבוד.

⁷⁵ The reference to נשמתן של צדיקים in the enumeration of the celestial treasure-houses (B. *Hag.* 12b) is clearly eschatological, as the proof-text, *I Sam.* xxv: 29, amply shows. The same talmudic passage also clearly distinguishes between נשמתן של צדיקים (place of reward) and נשמות שעתיד להבראות (place of origin). The fact that even the expression הנשמות אוצר (נגזרות=אוצר) signifies the destiny, not the origin of souls, is illustrated by *Sifre* on *Deut.* xxxiii: 3 כל קדשיו בידך—אלו נשמותיהן של צדיקים שנתנו קדש באוצר cf. e.g. *ibn Gabirol's Kether Malkhuth*, II. 216-7, 220-2, 237-9 (references to *Shirey Shelomoh b. Yehudah ibn Gebirol*, ed. Bialik-Ravitzky, 1925, vol. II).

⁷⁶ BELKIN's reference (*Wisdom* iii: 10) seems to be a misprint.

is their hope and their toils unprofitable . . .". The fact that a modern Hebrew translator⁷⁷ rendered this verse ותקוּתם הבל ומאמציהם תהו is sufficient for Prof. Belkin to discover an identical doctrine in the two texts.

16c. The phrasing of the *MhN*'s statements on the rational soul⁷⁸ is significant also in another respect. For not only does the wording imply that the holy *neshamah* departs from man at the slightest provocation of sin; it also seems to indicate that *neshamah* descends on man by virtue of his holiness only. *Neshamah*, far from being a heavenly substance given to man at birth and which he may lose through sin, now appears as something to be acquired in the course of a virtuous life. This, of course, is an unmistakable echo of the notion of the immortal soul as the *intellectus acquisitus*. The notion was established in Jewish philosophy by Maimonides, who actually refers to Alexander of Aphrodisias as its author.⁷⁹ But whereas Maimonides adhered to the essentially Aristotelian character of the soul as potential form to be actualised, the *MhN* presents an instructive conflation of Aristotelian concepts (Maimonides) and Neoplatonic ones (Baḥya, Ibn Gabirol, Ibn Ṣaddiq etc.): the soul is a pre-existent heavenly substance (Platonic), but man acquires it (*viz.* draws it down upon himself) only by the practice of virtue (Aristotelian).

17. The different fates of the souls of the righteous and the wicked lead us to another point. The *MhN* repeatedly states that the souls of the righteous become ministering angels.⁸⁰ This idea, which is rather unusual in Jewish literature, is clearly indebted to the many aggadic texts comparing the songs of praise sung to the Lord by his people Israel with those sung by the ministering angels.⁸¹ There is nothing intrinsically startling about the notion as such, since for the Jewish Neoplatonists both angels and men were made from the stuff of שכל—*voṭṣ*, *viz.* both were created from the splendour of the divine Throne.⁸² In fact, the two seem to be so much the same that when the *MhN* talks about the divine help or grace (*i.e.* the influx of heavenly *voṭṣ*) descending upon those worthy to receive it, this help or grace

⁷⁷ א.כ.ת.נ.א. הספרים החיצוניים, תרצ"ז.

⁷⁸ *Z.H.* 10c: כל העוסק בתורתו ושומר אותה אתן לו אותה הנשמה הנזורה מכאן; *ibid.* 11a: מי שאינו . . . עוסק; and particularly *ibid.* 11c: עוסק; כל העוסק בתורה קונה הנשמה לעצמו; בתורה הוא יש לו נפש חיה ולא נשמה . . . להתעסק בתורה ובמצות שמרוה בזה הנשמה הקדושה.

⁷⁹ *Cf. infra*, §35.

⁸⁰ *Z.H.* 10a (quoted by BELKIN, (p. 49), 19a, 20d, 21a; *Zohar* i, 100a.

⁸¹ The liturgical crystallization of this idea is the exordium to the *Kedushah*.

⁸² For a beautiful poetic statement of this theory cf. ibn Gabirol, *Kether Malkhuth*, ll. 199 f. and 237 f.

appears as identical with "angels" and "souls of the righteous" (Z.H. 20d). Even so, the typically rabbinic notion of the superiority of man over the angels⁸³ comes out clearly enough in the wording of the *MhN* (Z.H., 10a): מלאכים שנבראו מכסא הכבוד והם שלוחים . . . של הקב"ה . . . נשמתהון רצדיקייא דהוּו מתמן [=מכסא הכבוד] וקיימי אורייתא עאכו"כ דעביד להון קובה מלאכין עילאין קרישין. After all, the same sort of thing had already happened to Enoch who was promoted from mortal existence straight to the rank of Metatron. Another reason for describing the souls of departed saints as "angels" may be the desire for symmetry, providing the counterpart to another notion of the *MhN*, namely that the demons infesting the world are nothing but the souls of the ungodly: נפשותם של רשעים הם הם המזיקין שבעולם.⁸⁴

Philo's treatment of the same subject is significantly different. Human souls, he repeatedly tells us, are merely a type of "angels" entering material bodies. Death, by definition, liberates the soul which then returns to its true, disembodied, immaterial and hence "angelic" state.⁸⁵ The same holds for the other Philonic passage⁸⁶ quoted by Belkin (p. 49). The ancestors unto whom Abraham was gathered at his death are the incorporeal λόγοι—presumably Abraham, too, would now become one of them. The souls in the *Zohar* are turned into angels by an act of God in order that they should minister to Him and sing His praises in the celestial choirs; Philo's souls are already angels *ab initio*, by virtue of their immaterial nature. The question of demons (in the evil sense) does not exist for Philo,⁸⁷ nor does the fate of the ungodly interest him overmuch. It may even be doubted whether Philo really recognizes a category of ungodly sinners; all he seems to know are *fools*, who live with their passions and senses and thereby cut themselves off from the felicity of the *mundus intelligibilis*.

18a. After this excursus on the subject of the after-life of the soul, we may return to our initial problem of its tripartite structure. It would be unfair to ask a medieval philosopher to mention the three parts or faculties of the soul without thinking at the same time of the

⁸³ Cf. B. *Sanh.* 93a; B. *Hullin* 91b, and the many parallels.

⁸⁴ Z.H. 11a; *Zohar* i, 100a etc. According to TISHBY (MS of *Mishnath ha-Sefer Hasidim*.

⁸⁵ *De Sacrif.* 5.

⁸⁶ *Quaest. in Gen.* iii, 11.

⁸⁷ Cf. already GFRÖRER, *op. cit.* [n. 44], vol. i, pp. 370-3.

tripartite structure of the *kosmos*, i.e. of the "three worlds". The correlation between these two triads was expressed in various combinations of Aristotelian and neoplatonic terminology. The passage in the *MhN* (*Z.H.* 8d-9a) quoted by Belkin (p. 58), correlating three degrees of knowledge—as possessed by the angels, the spheres and sub-lunar beings—with the three *צורות נפשיות*,⁸⁸ viz. *מדברת, מתאוה, שכלית*, is evidently similar to what Philo says *Quaest. in Gen.* iv. 8, but even more similar to e.g. Maimonides.⁸⁹ Incidentally the passage from the *MhN* which Prof. Belkin produces as evidence for his thesis, opens with a phrase that can hardly be styled hellenistic or hellenistic-tannaitic: *מה הוא דבר מובדל ומושכל כך שאר המלאכים דברים מובדלים ומושכלים*. In other words, the angels are defined in typical medieval manner as "separate intelligences". Attention should be paid to the significant fact that in this quotation the author of the *MhN* still adheres to the philosophers' meaning of the term "separate intelligences" and not to that of the kabbalists, for whom the angels are intelligences "separate" from the divine sphere of unity. In our text the angels, like God, are separate from matter.⁹⁰

18b. The other passage quoted by Prof. Belkin (p. 59)⁹¹ has a different theme altogether. There Philo is concerned with three types of men: the spiritual, the carnal, and the average man wavering between the first two. There is no real analogy between this threefold typology of men and the three parts of the soul, though what may be considered as a kind of correlation of the two is expressly stated by the *MhN* in a passage (*Z.H.* 14b) which Prof. Belkin seems to have overlooked, though, it would have admirably served his purpose. Developing a motif derived from *B.R.H.* 16b, the *MhN* says: *שלוש כחות נכנסין ליום הדין, כת צדיקים נמורים כת רשעים נמורים כת בינונים, וכננרן שלוש כוחות באדם, כוח הנשמה הקדושה וכוח המתאוה וכוח המניעה*. The parallelism three worlds—three parts of the soul—three types of men is perfect,^{91a} but it is so obviously (and almost inevitably) a result of medieval philosophy *plus* talmudic tradition that Philo may be said to provide an interesting analogy, but hardly more.

18c. It is important to note that the author of the *MhN* is not very

⁸⁸ Note the connection Soul-Form. This medieval technical term occurs already in early kabbalistic documents; cf. *Bahir*, 38, *צורות קדושות* = angels.

⁸⁹ *Guide* iii, 13 and *Yad, Yesodey ha-Torah* iii, 9.

⁹⁰ For another zoharic interpretation of the traditional philosophic term "separate" ("פרישין"), cf. *Zohar* i, 34b; ii, 24b and 35.

⁹¹ *Quis Rer.* 45-6.

^{91a} It occurs elsewhere in the *Zohar*. e.g. i, 62b.

consistent in his division of the soul and in his corresponding terminology. The uncertainty seems to be due to his determination to use a tripartite formula whilst drawing on the whole available terminology of medieval psychology. This becomes apparent from a random comparison of some of the better known systems and definitions.

Isaac Israeli⁹² distinguishes the three souls in the following manner:

(1) Rational (discerning, susceptible of science and wisdom, distinguishing between good and evil).

(2) Animal (sense-perception, movement, locomotion).

(3) Vegetable (desire, procreation, nutrition, increase and decrease, etc.).

Both Israeli and Plotinus recognise Intellect (νοῦς) above the rational soul⁹³ and attribute to the latter the capacity for knowledge and learning of the discursive kind only. Since Plotinus divides the soul into a higher and lower part, the latter (=φύσις) would correspond to the "animal soul". This φύσις is also referred to by Maimonides⁹⁴ when he speaks of "one faculty . . . that binds together all the parts of the body [into an organic unity] and leads them". This כוח המנהיג⁹⁵ מניף החי, Maimonides continues, "is called *nature* by the physicians". This φύσις or כוח המנהיג, the leading faculty of the animal body is, of course, nothing but Galen's τὸ ἡγεμονικόν.⁹⁶

On the other hand, and according to other principles of division, the animal soul (חינונית)⁹⁷ consists of the faculties of sense-perception, imagination, and appetition (מרגיש—מדמה—מתעורר). One notices that Maimonides, unlike Israeli or Ibn Daud,⁹⁸ has substituted "appetition" for Aristotle's κινητικὸν κατὰ τόπον. (*De Anima* ii. 3). Israeli attributes desire to the vegetable soul, together with procreation, nutrition, digestion, increase and decrease, etc. Also for Maimonides⁹⁹ and Ibn Daud,¹⁰⁰ the latter faculties belong to the נפש הטבעית.¹⁰¹ It is the rational soul, that part of man which is נפש¹⁰² or אנושי,¹⁰³ which contains the faculty of "understanding,

⁹² Cf. ALTMANN-STERN, *op. cit.* [n. 68], p. 41.]

⁹³ *Ibid.*, p. 165.

⁹⁴ *Guide* i, 72.

⁹⁵ Ibn Tibbon's translation.

⁹⁶ Cf. MUNK's note, *Le Guide des Égarés*, 1856, vol. I, pp. 363-4, n. 5.

⁹⁷ Cf. Maimonides, שמונה פרקים, i.

⁹⁸ *Emunah Ramah* i, 6, section on הנפש.

⁹⁹ *Loc. cit.*

¹⁰⁰ *Loc. cit.*

¹⁰¹ Ibn Daud here calls it צמחית.

¹⁰² Maimonides, *Eight Chapters* i; *Guide* iii, 12.

¹⁰³ Ibn Daud, *loc. cit.*

acquiring wisdom, distinguishing between good and evil",¹⁰⁴ of "understanding the *intelligibilia*, learning crafts and knowing good and evil"¹⁰⁵ and which may thus be divided into theoretical and practical reason.¹⁰⁶ שכל and כוה המדבר are therefore identical.¹⁰⁷

(To be concluded)

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¹⁰⁴ Maimonides, *Eight Chapters* i.

¹⁰⁵ *Id.*, *Milloth ha-higgayon*, xiv.

¹⁰⁶ Falaquera, *The Book of Degrees* (ed. Venetianer), 1894, p. 15: שני חלקי כחו: המדבר וחם העיוני והמעשי.

¹⁰⁷ Ibn Daud, *loc. cit.*

A Disputation on Moneylending between Jews and Gentiles in Me'ir b. Simeon's Milhemeth Mišwah (Narbonne, 13th Cent.)

IT appears that only one MS. copy of R. Me'ir b. Simeon's *Milhemeth Mišwah* exists in private or public libraries. It belongs to the Biblioteca Palatina in Parma and is at present on loan at the British Museum.¹ But for a remark by Wolf in his *Bibliotheca Hebraica* (III, p. 679), we would not know the author's name. Wolf says that Jacob Aboab of Venice sent a MS., the contents of which have been proved to be identical with the one from Parma, to a certain man named Unger in 1649, describing its author as R. Me'ir b. Simeon.² That he lived in Narbonne in the first part of the 13th century is evident from many passages in the MS., and from quotations in other medieval writings.³

Though the MS. has 252 double folios, not more than 7 or 8 have been published, translated or summarised. In 1873 Neubauer drew attention to its importance, and gave a very brief account of the discussion on moneylending between R. Me'ir ben Simeon and the Archbishop of Narbonne, without editing the relevant passage of the MS. (ff. 32a-37a).⁴ Somewhat later, he published a fragmentary section of the MS. in the *Israelitische Letterbode* (III, 1877/78, pp. 20f.) and the same text again in *J.Q.R.* IV (1892), pp. 358f. It represents ff. 231b-232b of the MS. and deals with the authorship of the *Sefer Bahir*, which R. Me'ir declares to be a forgery. In 1881 Gross² published some small excerpts from ff. 7, 17, 21, 32, 36, 61-64, 67, 228 and 231 of the MS. He dealt partly with the same texts as Neubauer, added *inter alia* selections of R. Me'ir's protest against the anti-Jewish legislation of St. Louis IX, and contributed altogether a great deal towards a scientific understanding of this remarkable MS. Twenty-five years ago, Scholem assigned the attack on the *Sefer*

¹ MS. 2749 (De Rossi 155). I wish to express my gratitude to the authorities of the Biblioteca Palatina who kindly allowed me to consult the MS. in the Oriental Reading Room of the British Museum. I am also indebted to Mr. K. B. Gardner, the Keeper of the Department of Oriental Printed Books and Manuscripts at the British Museum, who did everything to facilitate the arrangements between the two libraries.

² Cf. H. GROSS, *R. Meir b. Simeon's Milhemeth Mišwah*, *MGWJ*, XXX (1881), pp. 295-305, 444-452, 554-569.

³ For a full account cf. H. GROSS, *Gallia Judaica* (Paris, 1897), pp. 423 ff.

⁴ Cf. *Archives des missions scientifiques et littéraires*, 3^e série, I (Paris, 1873), pp. 556 ff. NEUBAUER still translated *ha-heghemon ha-Gadhol* as *le gouverneur*.

Bahir to its proper frame. His article includes a description and full evaluation of early kabbalistic *Kawwanoth* in prayer, and an edition of the relevant folios of *Milhemeth Mišwah* (229b-231b) in their most pertinent parts.^{4a}

Graetz, Dubnow and Baron amongst others have made use of the published material, but the inaccessibility of the MS. brought it about that no further research into it was made. Neubauer did not relate his observations to the disputation of Paris, between R. Yeḥiel and the convert Nicholas Donin (1240), nor to that of Barcelona, between Naḥmanides and Pablo Christiani (1263), though Gross has a passing reference to both. Baer, on the other hand, in his article on *The Disputations of R. Yeḥiel and Naḥmanides*⁵ does not include the *Milhemeth Mišwah* in his scholarly investigations. Nor does Urbach, in his *Études sur la Littérature Polémique au Moyen Age*, call for a comparison with it.⁶

Yet, Me'ir b. Simeon's work, as well as the writings of Joseph *ha-Meḳanne*⁷ and the so-called *Sefer ha-Niṣṣaḥon ha-Yashan*,⁸ belong to the same genre of polemic and apologetic literature of the 13th century, as do the records of the afore-mentioned debates. Their direct or indirect influence can be traced in Hebrew commentaries on the Bible, in philosophical works, in such late compilations as Abraham Farissol's *Wiḳḳuah*, compiled at the beginning of the 16th century, or in David de Pomi's *De Medico Hebraeo Enarratio Apologetica* (1588).⁹ They have a long *Vor-* and *Nachgeschichte* which is still to be written and which is to be co-ordinated with the various disputations recorded in early talmudic literature, and with Christian anti-Jewish tracts from the time of the Church fathers onwards.¹⁰ We find in them not only repetitive argumentation but important

^{4a} *Te'udhah ḥadhashah le-tholedhoth re'shith ha-Kabbalah, Sefer Bialik* (Tel Aviv, 1934), pp. 148 ff. The full text relative to the *Sefer Bahir* is to be found on ff. 228b-234b of the MS. I am indebted to my brother-in-law Dr. Z. WERBLOWSKY for drawing my attention to SCHOLEM's article.

⁵ *Tarbiš*, II, 2 (1931), pp. 172-187.

⁶ *REJ*, C (1935) pp. 49-77. The same applies to all earlier articles on related subject matter.

⁷ Described, and partly published, by Z. KAHN in *REJ*, I (1880), pp. 222-246, III (1881), pp. 1-38, and in *Festschrift Berliner* (Frankfurt, 1903).

⁸ Cf. J. C. Wagenseil, *Tela ignea satanea*, Altdorf, 1681, vol. 1, especially p. 138.

⁹ Cf. my article *Interest Taken by Jews from Gentiles, (XIVth-XVIIIth Centuries)*, *JSS*, I, 2 (1956), pp. 141-164.

¹⁰ For literature in this field of study compare *inter alia* the recent series of comprehensive articles on *Les auteurs chrétiens latins du moyen âge sur les Juifs et le Judaïsme* in *REJ*, vol. 109, 111, 113, 114, 117 by B. BLUMENKRANZ.

historical references, an ever-growing number of *testimonia*, culled from the Old and sometimes from the New Testament, certain theological concepts, halakhic exposition and even an halakhic development, if one can take the various concessions made in these disputations at their face value.

If one compares the discussions in Paris and Barcelona with the debate in Narbonne, the *Milhemeth Mišwah* appears at first to be of lesser value. Whilst in the case of the former we have Latin and Hebrew versions of what was said,¹¹ no Latin or French record of the controversy in Narbonne has been preserved or was ever made, and we depend on our own judgment as to the probability or improbability of some of R. Me'ir's statements, even more than we do in the case of those of R. Yeḥiel or Naḥmanides. The events in Paris and Barcelona were also much more of a public occasion than was the provincial gathering in Narbonne. They certainly had more tragic consequences.

On the other hand, the *Milhemeth Mišwah* represents an author's own composition whilst the "minutes" of the assembly in Paris were not compiled by the Jewish protagonist.¹² It is, moreover, by far the longest Hebrew work of the 13th century which covers most controversial aspects of its time on an inter-confessional, and—to a quantitatively lesser extent—on an inter-Jewish plane. It is descriptive of the contemporary theological and social struggle on a higher and on a lower level—some of R. Me'ir's opponents were ordinary priests—and illustrates at the same time a gradual change from challenging self-assurance in the earlier part to serious anxiety in the later parts of the MS. Narbonne was, after all, one of the most sheltered communities of the time, proud of its time-honoured privileges granted by emperors, kings, barons and princes of the Church, as attested by the well-known 12th century traveller Benjamin of Tudela, by medieval Christian chroniclers, and by modern scholars. It is true that R. Me'ir's account of these privileges (ff. 67a,

¹¹ For the disputation in Tortosa cf. I. F. BAER, *Toledhoth ha-Yehudim bi-sefaradh ha-Noṣerith*, II (Tel Aviv, 1948), pp. 410 ff.

¹² The inner connexion between the various branches of apologetic and polemic literature of the period is ascertained by the fact that Joseph b. Nathan ha-Mekanne' was not only responsible for the collection of his *Teshubhoth ha-Minim*, which have come to us under his name and were written about 1275, but also for the Hebrew "protocol" of R. Yeḥiel's disputation in Paris. See Z. KAHN, *REJ*, I, p. 224.

sequ.) is somewhat legendary, as has been shown by Gross, Régéné, Grayzel and others,¹³ but essentially it reflects the atmosphere of relative physical, religious and economic freedom which prevailed in this city prior to the anti-Jewish legislation of Innocent III and St. Louis. There had lived Moses *ha-Darshan*, Joseph *Tobh 'Elem*, Judah ibn Ghayyaṭ, Joseph, Moses and David Qimḥi,—talmudists, grammarians, bible exegetes, philosophers, translators and controversialists. There too, as well as in Lunel and Posquieres, grew up the first fruits of Kabbalism which R. Me'ir tried to uproot. The ancestors of Joseph b. Nathan *ha-Mekanne'*, had likewise played an important part in Narbonne's cultural life. The Qimḥis, moreover, anticipate some of R. Me'ir's arguments, both in form and in content. He must have been an eminent biblical and rabbinic scholar and, in his philosophical outlook, a popularising adherent of Maimonides and an anti-Kabbalist, quoting Sa'adyah, and Yehudah Hallevi as well as Abraham ibn Daud and Rabbenu Tam.

In addition he was, apparently, a man of affairs, able to speak before the highest strata of society and to defend the cause of his people with ingenuity, energy and literary ability. His Hebrew is quite elegant, and occasional slips are due possibly, not to him but to the copyist to whom we owe our manuscript. He quoted certain sections of the New Testament in Hebrew, though we cannot yet say with certainty how this knowledge came to him. He may have had direct access to the New Testament, at least in contemporary French translations or glossaries. Before him, David Qimḥi had shown himself acquainted with certain passages of the New Testament, as e.g. with *Matthew* i: 1-16, v: 17 and *Luke* i: 28. He quotes the latter in Latin, but in Hebrew transcription.¹⁴ Later we find the same practice in the *Teshubhoth* of Joseph b. Nathan.¹⁵ R. Me'ir does not follow this habit. There were perhaps Hebrew collections of such *testimonia* prepared by his predecessors. Converts to Judaism may well have played their part in supplying these texts in the same way as Jewish converts to Christianity supplied most of the talmudic material used

¹³ Cf. S. GRAYZEL, *The Church and the Jews in the XIIIth Century* (Philadelphia, 1933), p. 316, and recently S. W. BARON, *A Social and Religious History of the Jews*², IV (New York, 1957), pp. 45 ff.

¹⁴ Cf. J. D. EISENSTEIN, *Oṣar wikkūhim* (New York, 1928), p. 79a.

¹⁵ Cf. Z. KAHN in *REJ*, I, p. 224. A. KISCH, *Die Anklageschrift gegen den Talmud und ihre Verteidigung durch R. Jehiel von Paris*, *MGWJ*, XXIII (1874), p. 67, refers to the same usage in the Hebrew MS. of the Disputation which he had at his disposal.

by Christian scholars in their controversies with Jews.¹⁶ R. Me'ir was equally versed in the method of Christian biblical exegesis, to which he refers in its own terminology. He must also have been fully aware of the unabated struggle for power between the Church, emperors, kings and barons, and made effective and discriminate use of their respective codes in his plea for the rights of the Jews.

The exact date of his answers, or *teshubhoth*, as he calls them in accordance with Joseph Qimḥi's terminology¹⁷ cannot be determined before a thorough examination of the whole MS. has been made. On f. 24a he refers to the year 1245, on f. 7a, if the identification of Gross is correct, to the Archbishop William I de Broue, who had been installed into his high office in 1245. But it appears that R. Me'ir's minutes include earlier and later discussions, some of which seem to be directed against St. Louis' anti-Jewish edicts of 1230.¹⁸ It must be remembered, however, that similar laws were revoked and repeated again and again during the long reign of this king. The representatives of the Church and the barons were obviously interested in retaining as much as possible of the considerable revenue that accrued to them from Jewish moneylending and taxes. It was but rarely that the king's laws were adhered to in all parts of his realm.

It is interesting that R. Me'ir never mentions the great disputation of Paris nor the ensuing burning of the Talmud. This may again be due to the fact that the bulk of *Milhemeth Miṣwah* belongs to the period before 1242 but it is quite possible that he deliberately avoided any reference to the disastrous events of these years in order to prevent such calamities or their repetition in his own town. That a Dominican (*ha-Ḳadshesh ha-Doresh*)¹⁹ could preach in the synagogue

¹⁶ URBACH in the above-mentioned article (*REJ*, 1935, pp. 73 ff.), speaks of such a family of *gerim* in the 12th century. One of them, Abraham *ha-Ger* was a disciple of Rabbenu Tam. Much earlier are the controversies between a French convert to Judaism, Eleazar Bodo, and a baptized Jew, Paul Alvare of Cordova, referred to by BLUMENKRANZ in *REJ*, 1955, pp. 37 ff. They belong to the end of the 9th century.

¹⁷ Cf. EISENSTEIN, *l.c.*, p. 19a. For Talmudic usage of the same term, cf. e.g. *T. J. Berakhoth*, 12d. A selection of tannaitic and amoraic debates with *minim* of all sorts is given in the *Encyclopaedia Judaica*, s.v. *Disputationen*. Christian and Jewish arguments can often be traced back to these early records.

¹⁸ Cf. J. PARKES, *The Jew in the Mediaeval Jewish Community* (London, 1938), p. 119, index s.v. Louis IX, and ff. 64a-83a of our MS.

¹⁹ For the use of this derogatory term even in Hebrew *Sheṭaroth* of pre-expulsion England, cf. my article *The Development of the Jewish Law on Interest from the Biblical Period to the Expulsion of the Jews from England*, *Historia Judaica* XVII (1955), p. 39.

of Narbonne (f. 17a) and that R. Me'ir answered him in the presence of many great and important people, shows how far things had developed on hitherto reasonably safe territory. Whilst the ceremonial attendance of people of high rank reflects earlier patterns of religious debates in hellenistic, tannaitic and early medieval times, it foreshadows the situation in Barcelona and Tortosa.

The MS. is written partly on paper and partly on parchment, the parchment alternating with paper to safeguard the latter from early decay.²⁰ In fact, the folios written on paper are on the whole more legible than those on parchment, but it is hoped that infra-red treatment will make 95 % of the MS. decipherable. There are some worm-eaten passages which can no longer be restored, but even the naked eye can read 80-85 %. A number of pages are missing at the beginning, and the first few, written on parchment, are in very bad condition. They represent, apparently, a discussion on the interpretation of the pentateuchal legislation between R. Me'ir and a Christian theologian. We no longer know who he was. The speakers are simply introduced as *Qadhosh* and *Qadhesh*.

The struggle is an old one, and can be traced back to the New Testament and the early Church Fathers. The Law was to be understood *en pneumatī*, spiritually, *ainigmatikōs*, mystically, or as *skia tōn mellontōn*, a shadow of things to come, or as *symbolon* or *typos*.²¹ We shall here deal with the first discussion on interest-bearing loans which begins on f. 3b and ends on f. 7a. This in itself forms the longest 13th-century Hebrew document on this theme, but if we add the equally or even more extensive passages in the *Milḥemeth Miṣwah* which are connected with moneylending on interest and its threatened prohibition, one can safely say that our MS. comprises most of what was said on the subject before and afterwards right up to the end of the 15th century. Some of the arguments are quite new and of considerable economic interest, as they anticipate the general European development towards capitalism in the 16th century. It is noteworthy that neither the Hebrew nor the Latin records of the disputations of Paris and Barcelona contain any direct reference to the problem of usury, though attacks on the "blasphemies" of the Talmud in general, and on talmudic ethics *vis à vis* the Gentile in particular,

²⁰ I am indebted to Dr. Birnbaum for his provisional assessment of the date of the MS. According to him it belongs to the 14th century.

²¹ Cf. my article *The Dietary Laws in Rabbinic and Patristic Literature*, *Studia Patristica* II (= *Texte und Untersuchungen* 64, Berlin, 1957), pp. 149-153.

do occur. One of R. Yeḥiel's answers, given to Nicholas Donin in Paris, may, however, be quoted, in order to illustrate the background which gave rise to these debates: "We maintain relations with you [Christians] which we would not be allowed to have with idolaters. [The first Mishnah in 'Abhodah Zarah] says "three days before their holidays one must not do any business with them." Now go through the Jewish streets and you will see how much business Jews do with Christians, even on their holidays." The Mishnah cited above deals with loans on interest as well, but R. Yeḥiel omits this point, no doubt out of prudence.²²

The translation of our section of the *Milhemeth Miṣwah* runs as follows.²³

"You have opened your mouth wide without measure on the subject of moneylending on interest. Now stand up and I shall enter into judgment with you about it. What greater crime have you found in it than in the eating of ritually forbidden animals, carcasses, or fish without fins and scales, since you reduce everything to its metaphorical meaning, which is called *figura*?²⁴ Why do you not interpret the law on interest figuratively like the other prohibitions and thus allow (following your own exegesis) the lending on interest even to your own people?" *Ha-Qadesh*: "There are some laws which common sense supports as e.g. (those regarding) theft, adultery, murder and the like and all the laws concerning righteousness and lovingkindness. The law on interest belongs to this group, because it is righteousness and lovingkindness not to take interest for the lending of your money". *Ha-Qadosh*: "If that is so, you should observe all laws of lovingkindness and righteousness according to their literal sense, as e.g. the year of release . . . or the jubilee year, so as to return houses and fields and real estate to their owners who sold them because of their poverty. And (what about) the returning of pledges at night to the poor and the 'gleanings', the 'forgotten sheaf', the 'corner of the fields' and the tithe for the poor? In the New Testament,²⁵ too, there are laws of lovingkindness, which that man (i.e. Jesus) has commanded you,

²² Cf. *Wikkuaḥ R. Yeḥiel mi-Paris*, ed. S. GRUENBAUM (Thorn, 1873), p. 10.

²³ Repetitive statements and unnecessary quotations will be left out.

²⁴ שאתם מחזירין הכל למשל הנקרא פגורא. It appears from J. D. EISENSTEIN, *op. cit.*, p. 706, and from Z. KAHN in *REJ*, III, p. 26, that Joseph Qimḥi and Joseph b. Nathan were also confronted with Christian statements on the figurative sense of Scripture. For a discussion of the problem in the 11th century, see the disputation between Gilbert Crispin, abbot of Westminster, and a Jew of Mayence (BLUMENKRANZ, *REJ*, CXVII, p. 52).

²⁵ The word is spelt in a derogatory form as און גליין almost everywhere in kindred mediaeval Hebrew literature. This tradition goes back to T. B. *Shabbath* 116a. As early as the 9th century it is referred to as one of the blasphemies of the Jews in Christian polemical writings, Cf. BLUMENKRANZ, *REJ*, CXIV, p. 51. איזו דאס for Jesus occurs with the same frequency.

but I do not see that you observe them, because you interpret them figuratively. This is the text of his commandments to you.²⁶ 'Have you heard what is said, an eye for an eye a tooth for a tooth? But I say unto you, fret not thyself because of evildoers,²⁷ but if someone smites thee on thy (right) cheek turn to him the other,²⁸ and if any man will sue thee at law and take off thy coat, let him have thy cloak also, and who shall compel thee to go with him a mile, go with him two and give to him that asketh thee and make no demands on him who would borrow of thee.²⁹ Moreover, ye shall, love your enemies and do good to them that hate you and pray for them that persecute and oppress you.' He also says: 'Do not think³⁰ that I have come to abrogate the Law or the Prophets, because I have not come to abrogate but to fulfil. Verily I say unto you, till heaven and earth pass, one yodh or one tittle will not be taken away from the laws till they will all be done. Whoever therefore shall break one of the minor commandments and shall teach men so, he shall be small in the kingdom of heaven'. And there are many similar sayings . . . You turn them all into their opposites by your deeds and interpret them figuratively or mystically.³¹ I am therefore very surprised at you. Why do you gather yourselves together against us in connexion with the taking of interest? According to your opinion about the interpretation of the laws—namely to explain them figuratively and to abolish their plain sense, as e.g. in the case of pork, leavened bread on Passover, and circumcision,—you should also allow to lend on interest . . . According to our opinion, the Torah differentiates explicitly between the brother and the foreigner regarding the taking of interest, as it is written: *unto a foreigner thou mayest lend on interest, but unto thy brother thou shalt not lend on interest* (Deut. xxiii: 21). These distinctions are not made regarding theft, and murder. It does not say e.g.: You may steal from a foreigner or you may murder him, but absolutely, without qualification, thou shalt not steal . . . because it is forbidden to rob any person, to steal from any person, to murder anybody or to do anyone unjustified harm; but the lending of money without interest falls under the category of special kindness,³² and it is only towards a

²⁶ וחזו לשון צוואתיו לכם. The plural of the MS. may refer to the two versions of the Sermon on the Mount in *Matthew* and *Luke*. R. Me'ir did apparently not wish to use the term מצות which was reserved for the laws of the Torah.

²⁷ אל תתיר במדעים (Ps. xxxvii: 1). *Matthew* v: 39 has Resist no evil.

²⁸ אם יכך בלחייך חמה לו האחרת. This translation follows *Luke* vi: 29.

²⁹ ואשר ילוה ממך לא תתבע ממנו. R. Me'ir's version seems to be an amalgamation of *Matthew* v: 42 and *Luke* vi: 30. One wonders whether the omission of *Luke* vi: 35 is deliberate. This passage was the misunderstood source of Church legislation against interest-bearing loans.

³⁰ Cf. *Matthew* v: 17.

³¹ בדבר משל וחידה. Cf. also Abraham ibn Ezra's Introduction to his Commentary on the Pentateuch, section iii, and David Qimhi's observations on *Psalms* xix: 10 and cxix: 129.

³² David Qimhi in his Commentary on *Psalms* xv, and R. Yehiel of Paris, (EISENSTEIN, *op. cit.*, p. 85b) make similar observations.

brother that the Torah has put us under obligation to lend him without interest and to give him enough for his need . . . But you and your church dignitaries³³ close your eyes, collect tithes and other gifts and taxes running into thousands and thousands, and do not lend to the poor who go a-begging at the doors. You do not see to it that the poor young maiden get married. Thus they turn to licentiousness and harlotry because of their want.

"Now you say that David made no distinction between the brother and the foreigner when he said: (*Lord, who shall abide in thy tabernacle? . . . He that putteth not out his money to usury . . .*) (*Psalms* xv) Behold, I will give you two answers.

i. You truthfully admit that David did not introduce a new commandment or a new Torah, and that he went in the way of the Torah which he received from Moses, who, on his part, had received it from God.³⁴ Hence when he speaks of him who does not put out his money to usury, he (i.e. the implied debtor) can be that one only to whom money should not be lent on interest, and he must be identical with the one mentioned in the Torah. Do you not see that the Torah makes a general statement in many places and relies on a more specific wording given elsewhere? It says, e.g., in an unqualified manner: Thou shalt not kill. Yet there is no doubt that it is a commandment to kill the murderer, the adulterer, and him that desecrates the Sabbath or worships an idol . . . Therefore, 'thou shalt not kill' refers certainly to him only, who should not be killed. In the same way, the general statement in *Psalms* xv can be referred to the brother only, to whom no loans on interest should be made . . .

ii. Since you admit that David did not come to generalise but to explain . . . do not retract from your premises, and consider the end of *Isaiah* (lxvi: 17): '*those who eat swine's flesh and the detestable thing and the mouse, shall be consumed together, saith the Lord.*' As this is so, you should not eat pork, because *Isaiah* interpreted it (i.e. the relevant pentateuchal legislation) according to its literal and not according to its figurative meaning, But if you say that he relied on figurative exegesis, either you must apply this to the laws on interest as well as to the other commandments (i.e. you must not take them literally at all), or you must follow our opinion (i.e. you must bear in mind the explicit reference of the Torah to the brother)".

"The *Qadhesh* went deeper in his enquiries about this: 'Since you distinguish between the brother and the foreigner regarding loans on interest, you should permit false testimony, coveting of one's neighbour's wife and house, and fraud to him who is not your neighbour, because it is written: "*thou shalt not bear false witness against thy neighbour and thou shalt not covet thy neighbour's*

³³ כמריבם הגדולים.

³⁴ Joseph and David Qimhi used the same arguments before R. Me'ir's time, though their wording is not identical.

house" (Ex. xx: 13) and "you shall not defraud one another" (Lev. xxv: 17).³⁵ You should say, therefore, that all this is forbidden to a neighbour and a fellow only, but not to anyone else.' The *Qadhosh* replied that he (i.e. the *Qadhesh*) had not asked well and had not gone into the details of the problem . . .

i. Because *rea'* and *'amith* refer, according to their literal meaning, to everyone with whom one has business dealings, be he of one's own or of another people. Thus we find that Judah, who was circumcised, called the Adullamite his neighbour (Gen. xxxviii: 12). Hence, in all (the passages previously quoted) the word *dh* (brother) does not occur, whilst in the case of loans in interest neither *rea'* nor *'amith* is used, but *dh* only.

ii. Even if one wishes to say that *dh*, *rea'*, and *'amith* have the same meaning, they may nevertheless not be compared with one another, because in the case of a loan on interest, such is explicitly permitted (to be taken) from a foreigner . . . but fraud, covetousness and false testimony are not permitted explicitly as far as the foreigner is concerned; and where *rea'* and *'amith* are used (i.e. in the other passages) the Torah speaks merely of common and usual facts . . . in the way of ordinary human beings, because it is the way of the world that people wrong those with whom they are in daily business contact, or that they bear false witness, or that they covet what belongs to someone else. Nevertheless (these transgressions) are equally forbidden *vis à vis* others.

"We can also say that Scripture adds warnings and negative commandments regarding the neighbour and fellow. You will agree that a crime is greater if harm is done to one's own people than if it is done to persons belonging to another people . . . Moreover it is written: 'thou shalt not utter a false report, put not thy hand with the wicked to be an unrighteousness witness' (Ex. xxiii: 1.) or: 'ye shall do no unrighteousness in judgment, in meteyard, in weight or in measure' (Lev. xix: 35). No distinction is there made between the neighbour and the foreigner; but regarding a loan on interest you will never find that Scripture forbids it, except in the case of a brother" . . .

"I engaged him further in discussion, pressed him and strengthened my words until it became difficult in his eyes. I asked him: 'Where do you find in the Torah that it is forbidden to lend on interest to someone who is not needy or poor? Behold, you will find such a prohibition in the Torah regarding the poor only, as it is written: "if thou lend money to any of my people, to the poor with thee, thou shalt not be to him as a creditor. Ye shall not lay upon him interest"' (Ex. xxii: 24).³⁶ Elsewhere it says: 'if thy brother be waxen

³⁵ לא תזנו איש את עמיתו.

³⁶ Apart from one spurious version of the *Mekhilta*, *ad locum*, this interpretation represents quite a new approach to the problem of interest-bearing loans. Cf. my article *The Laws on Interest in the Old Testament*, *JTS*, N.S. IV, part 2 (1953), p. 162.

poor, take no interest of him' (Lev. xxv: 35). The prohibition, therefore, refers to the poor only, so that he may be upheld and sustained. 'Gleanings', the 'forgotten sheaf' and the 'corner of the field', too, are commanded to be left to the poor only, as it is said: 'to the poor and to the stranger shalt thou leave them' (Lev. xix: 9), but not to the rich: because if the rich needs a loan in order to buy with it animals or real estate and other things, why should my money be at his disposal for nothing, and he enrich himself with it, while I shall be the loser through the waste of my money?

"According to your law³⁷ everybody who has sufficient means to support himself for more than a month is not called poor and one forces him to pay his debts of everything that exceeds his means of self-support for a period of 30 days.

"We guard ourselves with all our power not to lend to the poor (on interest)³⁸ and do not even collect the capital from the poor. Though from the point of the law one could collect it even from the cloak on his shoulder, our fathers (i.e. the rabbis) have made an ordinance which goes beyond the strict line of the law, so as to enable the debtor to keep his affairs in order.³⁹ In accordance with this ruling, your sages followed in our steps and made an ordinance to leave a monthly minimum of food, clothing, bedding and working tools with the poor. The rest does not fall under the category of poverty and can be collected from him, capital as well as interest, by permission of the perfect Torah. And though we do not take it from our own people even if they are rich, this is perhaps a custom, instituted by command of the sages in order to keep people from transgression, but not by command of the Torah. Moreover, they have made us the following great allowance. After deduction of a *pashuṭ* (i.e. the smallest nominal sum of the value of a penny) per year, we may have the usufruct of houses, fields and vineyards, whether they are worth a 100 *dinarim* or a 1000 *dinarim* or more per year, without this usufruct from all fruit being counted at all as payment of the capital loan—except for the nominal penny that is deducted, because they realized that the prohibition of the Torah (of taking interest) refers to the poor only.⁴⁰ They also said that scholars may lend to one another on interest, because they know that it is forbidden and pay (the interest) by way of a present".⁴¹

"The *Qadhesh* went into the details (of the matter), searched the scriptural passages, found the subject correctly explained according to my words, and was astounded and found no answer. Then

³⁷ I have not yet been able to trace the source of the regulation to which R. Me'ir refers.

³⁸ This must be the meaning of the sentence ואנחנו נשמרים מלהלות לעני בכל יכולתנו.

³⁹ Cf. *Babha Meṣi'a*, 113b, 114a.

⁴⁰ For a halakhic summary of the problem Cf. Maimonides, *Mishneh Torah*, *Hilekhoth Malweh we-loweh* vi: 3-8.

⁴¹ Cf. *Babha Meṣia*, 75a. The last two points are repeated in R. Me'ir's disputation with the Archbishop of Narbonne, on f. 36a of our MS.

he gave the matter some thought and said: 'I will show you from Scripture that even he who does not belong to your people and faith is called "thy brother" as it says: "*thou shalt not abhor an Edomite for he is thy brother*" (Deut. xxiii: 8) or: "*thus saith thy brother Israel*" (Numb. xx: 14).'

"The *Qadhosh* replied: 'I shall give you three or four answers on this as well.

i. Do you not see that Scripture does not call the Egyptian, or the Ammonite, or the Moabite brothers, but only the Edomite, as it is written: "*is not Esau a brother to Jacob?*" (Mal. i.: 2). If you say that you are Edomites and that therefore we must not lend you money on interest, you give a bad and hard testimony regarding yourselves, because it is written: "*there shall not be any remaining of the house of Esau, for the Lord hath spoken.*" (Obadiah 18). You are therefore not Esau. And there are many prophesies on Edom for evil.⁴²

ii. If you say that we are doubtful as to whether you are Edomites or whether you belong to other nations, we must surely go after the majority in this matter, because the majority of the nations of the world are not Edom.

iii. According to the sage of our people,⁴³ who gave a reply to your sages on this point, even if you really are Edomites, the Prophet (i.e. Obadiah) has already witnessed against you that you have annulled the brotherhood between us, and you are henceforth under the law of the foreigner (*nokhri*), as it is written: "*for the violence done to thy brother Jacob shame shall cover thee*" . . . "*and foreigners entered into his (Jacob's) gates. even thou wast as one of them*" (Obadiah 10 ff.). And it is written: "*Unto a foreigner thou mayest lend upon interest.*"

iv. Verily, it is known to every man of understanding that the term 'brotherhood' occurs in Scripture in two senses, (a) In the sense of family relationship, as e.g. (in the verse) "*and if he have no daughter, then ye shall give his inheritance unto his brethren*" (Num. xxvii: 9), and similarly in many other passages. (b) In the sense of faith, because all Israel are called brothers (in their relationship) to one another through their faith and through their To'ah, as He has called them His children, as it is written: "*Ye are children to the Lord your God*" (Deut. xiv: 1)⁴⁴ But when it says: "*Do not abhor an Edomite, for he is thy brother*" (the

⁴² The identification of Edom with Rome and Christianity had been under discussion since the time of the Church Fathers. Cf. JUDAH ROSENTHAL, *Ribbith min ha-Nokhri, Talpiyyoth*, VI (1953), pp. 139 f.

⁴³ Joseph b. Nathan *ha-Mekanne'* gives the same explanation in the name of R. Moses of Paris. Cf. *Festschrift Berliner, l.c.*, pp. 89f. R. Moses of Paris is also mentioned in English pre-expulsion records as a moneylender, cf. *Historia Judaica*, XVII, *l.c.*, p. 30.

⁴⁴ The philosopher-exegete Joseph ibn Kaspi (1280-1340) makes a similar distinction between the two meanings of the term "brotherhood". Cf. *JSS* I, 1956, *l.c.*, p. 145.

term) is used in the sense of family relationship, as it is written: "*Was not Esau Jacob's brother?* (Mal. i: 2). The proof for this statement is that the term "brotherhood" is not used with reference to the Egyptian, Ammonite or Moabite, but when it says: "*Unto a foreigner thou mayest lend on interest, unto thy brother thou shalt not lend on interest*", the term is used for a brotherhood of faith in God and His Torah, because to them (that share such faith) one must show more lovingkindness and righteousness than to others . . . but the Torah has not granted licence to rob (the foreigner), or to steal from him or to do him an injustice.

"We have enlarged on this subject in our answers to the Archbishop of the city of Narbonne, called Guillaume I^{er} de Broue, as it is recorded in the 'protocol' of these answers which we shall write down later on".⁴⁵

So far the text of the first section on Jewish moneylending in the *Milhemeth Mišwah*. Its tenor is firm and confident, as if nothing could shake the spiritual and economic security of the people whose law was under discussion. Although the Christian speaker may well have said more and R. Me'ir less, and whilst allowances have to be made for a dramatising and popularising aggressiveness in the Hebrew wording of the minutes, there seems no doubt that the discussion took place. Joseph Qimḥi (c. 1105-70) had to be pressed by one of his pupils to write down his *teshubhoth*. His son David (1160-1235) also incorporated some of his replies into his commentaries on the Bible "so that the reader should find an answer to the arguments put forward by Christians". R. Me'ir, on the other hand, seems to have been compelled by his own desire to leave a literary record of his manifold activities—a purpose which, of course, was not meant to preclude the practical use of the record as "defence catechism".⁴⁶

As to the refusal of the medieval Jew to consider the Christian as brother or neighbour, it cannot be denied that such an attitude, in its milder or its more severe forms, is common from the time of Rashi to that of Abravanel.⁴⁷ Regarding the halakhic Codes, the decisions for business dealings with Christians coincide with what R. Me'ir and, before him, David Qimḥi had had to say in reply to their opponents. D. Hoffman and M. Guttman⁴⁸ have collected a great deal of relevant material on this subject. But they used late

⁴⁵ Cf. ff. 32b-37b of the MS. קונדריס (*sic*) is here rendered *protocol*.

⁴⁶ Cf. MS. f. 83a.

⁴⁷ Cf. I. F. BAER, *Tarbiš*, XX pp. 320 and 325 ff.: also JSS, I, 2 (1956), pp. 152 ff.

⁴⁸ Cf. D. HOFFMANN, *Der Schulchan Aruch*² (Berlin, 1894); M. GUTTMANN, *Das Judentum und seine Umwelt* (Berlin, 1927) and *idem*, *Behinath qiyum ha-Miṣwoth, Bericht des Jüdisch-theologischen Seminars*, 1931, pp. 8 ff.

censored editions and seem not to have realised that in earlier MSS. and in uncensored books the distinction between Gentiles and idolaters is not always made clear, even if it was self-evident. There is no doubt that Maimonides refers the biblical sentence: "*Thou shalt love thy neighbour as thyself*" (*Lev. xix: 18*) to him only who is a "neighbour in the Torah and *Miṣwoth*".⁴⁹ In this he is followed by Moses of Coucy⁵⁰ and by Abraham ibn Ḥasan,⁵¹ and (explicitly or implicitly) by all medieval Jewish codifiers. Maimonides, moreover, states clearly that all Christians are idolaters.⁵² The Tosaphists, too, have long arguments on the subject and the matter was obviously not yet decided in principle.⁵³ Some put forward an ancient tradition dating from talmudic times, according to which Gentiles outside Palestine are not to be considered idolaters because they are but observing the custom of their fathers.⁵⁴ Others, likewise referring to talmudic precedent, maintain that neighbourly relations have to be kept up because enmity might otherwise ensue.⁵⁵ Some again hold that *shittuf*, or partnership in the worship of God, is permissible for Gentiles.⁵⁶

A utilitarian *modus vivendi* was thus found for those times in which a short-lived peace allowed for an economic symbiosis between Jew and Gentile. Derogatory references to Christians, on the other hand, in poetry, in letters, and even in the official *Sheṭaroth* which were deposited in the royal *arcae* of pre-expulsion England and which re-occur in the *Milhemeth Miṣwah*, leave no doubt about the emotional attitude of many Jews, if not of the majority, to their Gentile neighbours.^{56a} At the beginning of the 15th century, Simeon ben

⁴⁹ *Sefer ha-Miṣwoth*, positive commandment 206.

⁵⁰ Positive commandment 9.

⁵¹ Positive commandment 241. Cf. my *Phillipus Ferdinandus Polonus, J. H. Hertz Presentation Volume* (London, 1942), p. 403.

⁵² Cf. JOSEPH WIENER, *Maimonides' Commentar zum Tractat Abodah Zarah* Mishnah 3 and 4.

⁵³ Cf. *Historia Judaica, l.c.* (1925), pp. 26 ff.

⁵⁴ T. B. *Hullin* 13b.

⁵⁵ Cf. T. B. 'Abodah Zarah, 6b.

⁵⁶ Cf. the recent article by J. KATZ, *The Vicissitudes of three apologetic Passages, Zion*, xxiii-xxiv: 3-4 (1958-59), pp. 181-193. (In Hebrew.)

^{56a} One has only to read the Hebrew prose records of the atrocities which were committed during the first and second crusades, and the *seliḥoth* of the 12th and 13th centuries, as collected by A. M. HABERMANN *Sefer gezeroth 'Ashkenaz we-Ṣarefath*, Jerusalem, 1945, to understand the motives of the Jewish reaction against Christianity as a whole. The *Milhemeth Miṣwah* offers interesting points of comparison with these Hebrew documents—points which can, however, not be fully evaluated until a later stage.

Şemah Duran, a famous talmudic scholar, codifier and philosopher, could still say in his *Sethirath 'Emunath ha-Noşerim*: "Though my words are only mockery, our sages have said all mockery is forbidden except the mockery of idolatry".⁵⁷ That Christian authors did not, on the whole, use any less offensive epithets for the Jews and their religion, need scarcely be mentioned. Deeds of tragic dimensions sealed threatening words.

How far—with signs in the opposite direction—Christian and Jewish concepts of universal brotherhood were interrelated, can perhaps best be illustrated by the views of Ambrose. According to him and—with necessary modifications—according to many medieval theologians and jurists, the "brother" of the deuteronomic law of interest is not a Jew, but "our sharer in nature, co-heir in grace, every people which, first, is in the Faith, then under Roman Law". The biblical differentiation between the brother and the alien applies to the Amalekites, Ammonites, Canaanites only, the notorious foes of God's people. "From him", says Ambrose, "demand usury whom you rightly desire to harm, against whom weapons are lawfully carried . . . From him exact usury whom it would not be a crime to kill. Where there is a right of war there is a right of usury". The Dominican Raymond de Pennaforte, a well-known canonist and one of the main organisers of the disputation in Barcelona, quotes the following opinion: "The Jew must be loaded with such a burden of usury that, by the very punishment of the charges imposed upon him, he is compelled to move quickly towards righteousness".⁵⁸

R. Me'ir ben Simeon reiterates his plea for righteousness *vis à vis* the Gentiles in business transactions on f. 214b of the manuscript. But if history is to describe the past as it really was, his growing contempt and bitterness cannot be interpreted away.

His attacks on Christian morals find their parallels in cognate earlier, contemporary and later writings. Thus Joseph Qimhi reproaches his opponents for making loans without interest for a stipulated period. The lender could then hold the debtor responsible for loss of gain or damage, if the latter did not pay up in time. As far

⁵⁷ Cf. T. B. *Megillah*, 25b. For Duran's passage, see *Milhemeth Hobbah* (Constantinople, 1710), p. 61b. On p. 61a, he had defended the taking of interest from Christians against their objection that such action is in contrast to reason. The above quoted passage about mockery was, incidentally, considered one of the blasphemies of which the Jews were accused at the disputation of Paris. Cf. I. LOEB, *La controverse de 1240 sur le Talmud*, *REJ*, III (1881), p. 49.

⁵⁸ Cf. *JSS*, l.c., pp. 143, 146.

as we know, it was in the 13th century only that the Roman Law concepts of *lucrum cessans* and *damnum emergens* were adopted by jurists and theologians. "Are you not ashamed", Qimḥi says, "to maintain that you do not lend on interest. Behold this is usury". (*Ribbith Gadhol*).⁵⁹ Joseph *ha-Meḳanne'*, later than R. Me'ir, formulates his protest, in a similar way: "You Christians lend money at high rates of interest, one measure for two (100%) and take reward for delayed payment".⁶⁰

As to the form of R. Me'ir's arguments, it is noteworthy that he arranges them in such a way that they can be understood by the Christian theologian without the support of traditional rabbinic exegesis. In view of the polemics of the Church against the Talmud, this is of methodological importance⁶¹; The more so, as R. Me'ir can thus introduce a reason for the lenient inter-Jewish regulations on interest-bearing loans which he quotes, and which he bases on a straightforward exegesis of the biblical text. Neither the permission, nor its motivation—and the latter is perhaps more important—occur again (to my knowledge) in amoraic or later rabbinic literature. There are other legal fictions of this kind, one introduced by Rashi in his *Teshubhoth*,⁶² where he allows a Jew to take interest from another Jew through a Jewish intermediary, for the Torah only forbids direct loans from Jew to Jew at interest. He adds, however, that the decision should not be made public. The suggestion to base the general permissibility of inter-Jewish moneylending at interest on the assumption of a gift made by the borrower to the lender was made by R. Jacob of Orleans who was killed during the anti-Jewish riot in London in 1189. But such circumvention was explicitly declared invalid. It is also known that the question whether one Jew may borrow from the other at interest was once put before the London *Beth Din* of the pre-expulsion period. The answer has not been handed down to us.⁶³

One cannot tell whether R. Me'ir really wished to recommend the fictions he mentions. He may have made his statement only in order

⁵⁹ Cf. *Milhemeth Hobbah*, l.c., p. 21b.

⁶⁰ Cf. *Festschrift Berliner*, l.c., p. 90.

⁶¹ Since the early 12th century, Jewish controversialists had laid great stress on rational arguments in their debates with Christian opponents. Joseph Qimḥi, e.g., introduces his arguments as follows: שרש אמונה שתול על פלגי מי השכל והתבונה. Joseph Qimḥi, e.g., introduces his arguments as follows: שרש אמונה שתול על פלגי מי השכל והתבונה. Cf. EISENSTEIN, l.c., p. 75b.

⁶² Cf. I. ELFENBEIN, *Teshubhoth Rashi* (New York, 1943), pp., 189f.

⁶³ Cf. *Historia Judaica*, l.c., pp. 22f.

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to appease his opponent. On the other hand, the inter-Jewish circumvention of the pentateuchal laws on interest by means of a Gentile intermediary (*ribbith 'al yedhey goy*) had been almost generally accepted at the beginning of the thirteenth century.

The MS. of the *Milhemeth Miṣwah* contains much more of great interest for the cultural, religious and social history of French Jewry in the first part of the thirteenth century. This article embodies my preliminary observations only, and I hope to publish the whole MS. in Hebrew in the not too distant future.

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NOTES

The Hebrew root חרש in the light of the Ugarit texts

HEBREW lexicography, like that of any other language, is necessarily based on the assumption that within the compass of a single root there are semantic transitions leading from a first to a second meaning. Consequently the temptation to build arbitrary semantic bridges is particularly great in a language like Hebrew, where research must always take into account the possibility of several different primitive Semitic roots coinciding in a Hebrew word. Hence the essential rule, undisputed in principle, that the theory of semantic transition needs constantly to be checked in its application by a comparison of Hebrew with those Semitic languages which have to a greater extent preserved the original phonetic structure of proto-Semitic. Among these languages a significant place has, for several decades, been occupied by Ugaritic. We propose to show that the rule has not always been adequately observed, taking as an example for discussion the unequivocal example of the Hebrew root *ḥrsh*.

This Hebrew root denotes, among other things, the activities of: (1) the *ploughman* (e.g. in *Deut.* xxii: 10), (2) the *cutter* and *engraver* (*Jer.* xvii: 1), (3) the *craftsman*. For the latter meaning we twice find the participle *ḥōrēsh* with the objective genitive of the raw-material fashioned (*Gen.* iv: 22; *I Kings* vii: 14), but more frequently the substantive form *ḥārāsh*, which stresses the professional character of the activity. This form also can be complemented by reference either to the raw material (e.g. *Is.* xlv: 12) or alternatively the finished product (e.g. *Is.* xlv: 16).

It has long been correctly observed that the Hebrew verb *ḥrsh*=*plough* has an exact counterpart in the Arab verb *ḥrt* which has the same meaning. It is thus natural not only to connect the two meanings to *plough* and to *engrave*, but also to suggest a link between the meaning *cutting*, *engraving* and the meaning *craftsman*. And indeed, we find that the older dictionaries of Gesenius-Buhl and Brown-Driver-Briggs as well as Koehler's new lexicon trace all three meanings back to the same proto-Semitic root *ḥrt*. Among still earlier views we may mention the opinion of Mandelkern who, in his concordance, lists the expressions for *ploughing* separately and suggests a

second root comprising the two meanings of *engraving* and *craftsman*. In opposition to the above mentioned opinions we shall try to show that it is only the expressions for *ploughing* and *engraving* which are derived from the proto-Semitic root *ḥrt*, but not the expressions for *craftsman*.

The verb *ḥrsh*=to *engrave* is found in the parallel form *ḥrt* in the Bible itself. This parallel form is obviously the same as the Aramaic verb *ḥrt*, which in the Targum 'Onqelos to *Lev. xix: 18* is used in the combination *rushmīn ḥarīthīn* to translate *K'thoveth qa'qa'* and denotes tattoo cuts. The alternation of the two synonymous forms *ḥrsh* and *ḥrt* suggests a common origin from a proto-Semitic *ḥrt* or *ḥrt*. We have, however, no evidence that a root *ḥrt* exists. We may therefore accept the usual interpretation that derives *ḥrsh*=to *engrave* from the proto-Semitic root *ḥrt* which means *cutting* in general and the *cutting* [up of the ground by the plough] in particular. This interpretation is further confirmed by a Ugaritic text which says of a mourner: *yḥrt kgn a'plb*¹—he ploughs his breast as if it were a garden, i.e. he makes cuts in his body. The close relation of the meanings *to make cuts* and *to plough* is spotlighted by this expression, which recalls the usage of the Targum quoted above.

So far the Ugaritic text has served as no more than a welcome confirmation of a conclusion convincing enough in itself. It assumes, however, a decisive significance in the elucidation of the root *ḥrsh* in the meaning of *craftsman*. The Ugaritic word-combinations *ḥrsh a'nyt*=shipbuilder, *ḥrsh mrkbt*=chariot-builder etc.² provide an entirely new and conclusive proof that the Hebrew word for *craftsman* is derived from an independent proto-Semitic root, not identical with *ḥrt*.

It would be easy to distribute the various references between the two roots, were it not for certain difficulties which arise in those cases where the Hebrew verb *ḥrsh* is used figuratively as, for instance, in the saying: *'al taḥ^hrosh 'al re'akha rā'āh we-hū' yōshēv la-va'eṭaḥ 'ittāk*. (*Prov. iii: 29*). It would here seem possible to make the verb *ḥrsh* mean *to work evil* and thereby to assume, with Mandelkern, that the verbal image is taken from the activity of the *craftsman*. It is, however, more plausible to assume that the reference is not to a completed *evil action* but to wicked *plans* or *preparations* for bad deeds. An analogy to such

¹ CYRUS H. GORDON, *Ugaritic Manual*, Rome, 1955, Text 67, 11. 20f.

² *Idem, ibid.*, Glossary, no. 668; CHARLES VIROLLEAUD, *Le Palais Royal d'Ugarit II*, Paris 1957, p. 208.

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plans and preparations may be seen in the *ploughing* which precedes sowing and reaping and thereby clearly symbolises a future-directed beginning. This aspect of the metaphor was already recognised by Rashi who remarks to *Prov.* iii: 29 "Devise not. *Devising* is represented by the metaphor of *ploughing*; just as the ploughman makes the ground ready for the time of sowing, so the man who devises wickedness prepares the ground in his heart for crooked scheming which he intends to realise". This explanation of Rashi's holds good even more, of course, for a turn of phrase such as: *lēv ḥōrēsh maḥshevōth 'āwaen* (*Prov.* vi: 18), which concerns wicked thoughts *expressis verbis* and which is indeed formulated in such a way as to suggest the comparison with *ḥōr^eshey 'āwaen we-zōr^e'ēy 'āmāl yiqs' rūhū* (*Job* iv: 8), where the images of sowing and reaping make it quite clear that evil intention is indicated by the image of ploughing.

Jerusalem

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Comprehensive and Thematic Reading of the Law by the Samaritans

THE Samaritans, represented today by a few hundred persons still inhabiting their ancestral area around Mount Gerizim, claim to read the entire Torah at each diet of worship for Sabbaths and Festivals and to read it throughout at each weekly cycle of weekday services. That this is physically impossible is manifest, even allowing for the great speed of recital. What they really mean is that they “cover” the whole Law in a service or Festival.

The members of the University of Leeds School of Samaritan Studies, under the leadership of Dr John Bowman, have for some years been studying the literary phenomenon by which the Law is read *in extenso* during services, and it is agreed that the *Qaṭaf* form explains the Samaritan claim. It has been customary for the researchers to regard the *Qaṭaf* as one literary and liturgical form. The present writer in this article will show that there are in fact several *Qeṭāfim*, used for different purposes and derived from the same principle.

By the term *Qaṭaf* (plural *qeṭāfīm*¹ in Samaritan Hebrew) is meant the selection of verses (sometimes paragraphs or *qaṣṣīn*) which strung together, make a connected whole. The word *qaṭaf* (never vocalised) is used in two senses by the Samaritan writers: (a) to describe their only prophet Moses as the “choicest” or “specially select[ed]” of all living beings; (b) to give a name to the selected biblical readings by which they cover each book of the Torah. It is likely that the name was suggested to the early Samaritans by the word *we-qaṭafta* in *Deut.* xxiii: 26, or that the Arabic word (Arabic having been the colloquial language of the Samaritans for many centuries) *qaṭf*, meaning “curtailment”, was taken over. The word is often found with the article (in both Hebrew and Arabic) and the expression “the *Qaṭaf*” is more common than the expression “the Reading” (*miqrāthā*). No final English rendering has yet been fixed for the term *qaṭaf*. M. Gaster in his Schweich Lectures, “The Samaritans”,² and J. A. Montgomery in his book “The Samaritans: the

¹ In this article, Hebrew words in Samaritan usage are transliterated in accordance with the phonology of massoretic Hebrew. Although it is, strictly speaking, incongruous to superimpose this system on Samaritan, which has retained another, and indeed older method of pronunciation, it is felt that conformity to massoretic practice will assist the intelligibility of transliterated words.

² For 1923 (London, 1927), p. 75.

Earliest Jewish Sect",³ p. 298, suggested the rendering *florilegium*. Other suggestions are *catena* or simply "selected verses". The terms *florilegium* and *catena* imply chains or patterns of verses. It is true that these terms could be aptly applied to some of the medieval Samaritan hymns, where biblical references mingle with liturgical phrases and theological expressions (as in many medieval Jewish *piyyūṭim*) to form, in many cases, something akin to mosaics; but they do not fitly describe the true nature of form of the biblical *qāṭaf*. The simple term "selected verses" seems most appropriate, though it fails to signify the special purpose underlying the practice.

Although the *Qāṭaf* method enables to whole Law to be "covered" in a service, the Pentateuchal *Qāṭaf* is not so reduced as to lose value as an adequate means of conveying the essentials of Scripture. For example, one half of the Exodus *Qāṭaf* (this is divided into two parts in certain Festival liturgies) occupies no less than eight folios of a manuscript. The present writer estimates that a Samaritan priest could well recite the amount of *Qāṭaf* in a full folio in about two minutes. *Qeṭāṣim* were usually recited *khafif*, a technical term meaning "to a quick chant", while many of the liturgical compositions were recited or chanted *taqīl* (for *thaqīl*), meaning "to a slow tune". An in-between pace was used on occasion and variously described as *khafif shuwaih* or *taqīl shuwaih*, respectively, "to a fairly quick chant" and "to a fairly slow chant". It appears from Arabic rubrics in many manuscripts that the time factor often decided at what pace recitation was made.

The present writer has discovered in this ancient practice of selection three different *Qāṭaf* types, to be illustrated below. Before considering these, it is necessary to see why the practice came into being. It is thought that in pre-fourth century A.D. Samaritan worship, the service consisted in the main of the reading of the Law and expressions of praise (possibly the *yishtabbahim* of medieval and modern Samaritanism), but even in that early period it is certain that the whole Law was not read—i.e. not *in toto*—at each service. Dr J. Bowman has referred⁴ (a) to the fact that in *Neh.* viii: 3, 18, the priests and Levites read *in* the Law: and (b) to the expression *mefōrāsh* in verse 8 of that chapter, usually rendered "clearly" or "distinctly" or "with interpretation" (i.e. with the addition of a Targum, not

³ Philadelphia, 1907.

⁴ Bulletin of the John Rylands Library, Vol. 40, no. 2, March 1958, pp. 316 ff.

necessarily written, for the sake of the worshippers' understanding). He suggests that the word may mean "in *parāshōth*, (paragraphs). The *Pu'al* would thus connote that the biblical texts were section-alised. If the statement is correct (and *mefōrāsh* rightly *vocalised*) the Samaritans could easily have selected paragraphs in such a way as to "cover" each biblical book—retaining the essential narrative and teaching—as early as Ezra's time.

Early evidence of such a practice is found in the Leeds Samaritan Decalogue Inscription (dated *ca.* 400 A.D.) and in two Samaritan phylacteries in the University of Leeds Department of Semitic Languages and Literatures, obtained by Dr Bowman and dated tentatively as early as the second and fifth centuries A.D. respectively. In the phylacteries names of God are found in selected fashion where the thematic principle of selection is much in evidence. This principle is also found in many MSS. of the Samaritan *Shem Ha-mith-pārēsh* (cf. Jewish *Shem Ha-Mefōrāsh*), where long lists of names of God are written down in the sequence as found in Scripture.

The reading of selected *parāshōth* would have been possible in days when the liturgy was yet primitive, but from the fourth century A.D. (if not before) this became impossible. At that time the Samaritans were suffering the consequences of a long period of persecution, during which most of their literature (annals, liturgies, etc.) seems to have perished. In the fourth century Babha Rabba established new forms of worship, resulting in considerable expansion of the services. "Reading of the Law, which Babha enjoined (or taught or instituted), was no doubt the original, as it always remained the essential, part of the Liturgy."⁵ Even the rather complicated structure of the modern services reveals beyond doubt that the readings of Scripture (the *qeṭāfīm*) are the framework for the whole liturgy. The *Defter*, the Samaritan "Book of Common Prayer" consisting of "collects" for different Sabbaths and other special occasions, of the fourth century Marqah and Amram Darah, shows that the service of the fourth century was much more than a matter of readings and simple expressions of praise. Long hymns, often acrostics, became integral parts of the service. Although we possess no examples of the *Qaṭaf* from that period, it seems likely that already some process of abbreviation of biblical readings had been initiated. The fifty-four *parāshōth* of the Samaritan Pentateuch could no longer obviously be read in

⁵ A. E. COWLEY: "The Samaritan Liturgy", Oxford 1909, Vol. II, p. xxi.

toto; the sub-divisions (*qaṣṣīn*) of the *parāshōth*, which may have been settled much earlier, would now become the basis for selection, so that only so much of each *parāshāh*, i.e. certain representative *qaṣṣīn*, would be read. In the end, as in the modern practice, *qaṣṣīn* were not always read *in toto*, but “snippets” were selected, but whether deliberately or by evolution of custom in curtailing is not known. In other words, the more liturgical compositions mounted up, the more the readings were reduced in quantity.

The considerable use of the Arabic *wa-tamāma* to indicate “and the rest of it” after the majority of verses in the main *Qeṭafīm* seems to indicate that sometimes a whole *qaṣ* was read (*wa-tamāma* would be enough for the congregation, who would probably know the whole *qaṣ* by heart), though not written out in full in the MS. The *qaṣṣīn* may be compared with the Massoretic *sethūmōth* and *pethūhōth*, as Dr. Bowman has shown.⁶

The earliest *Qaṭaf* arrangement known with certainty is that found in the oldest MSS. available (the Vatican MS., usually called V.3, and the 13th century British Museum MS. 5034). Rabbi Brown, one of the “Samaritan School” in Leeds, showed in his doctoral dissertation that the Torah was divided into *Qeṭafīm*, read in a weekly cycle, a different section each evening and morning. A weekly cycle was possible at a time (pre-14th century liturgical revival) when liturgical compositions were comparatively few and usually fairly short.

After further expansion in the 11th century, the great Samaritan liturgical revival of the 14th century brought considerable expansion to the services. Many new liturgical forms (possibly older and subsequently revived) came into being, some like the *Malifūt* (Words of Illumination) and the *Yishtabbah* (Expression of Praise) being concerned with the biblical passage in each section of the service. The normal service, for weekdays and Sabbaths, has a basic pattern as follows: Opening piece from the *Defter*; the Sections of Creation (i.e. *Gen.* i); Amram Darah composition, often *plus* one by Marqah; the Genesis *Qaṭaf*; and so on till the Deuteronomy *Qaṭaf*. The Festival services contain in addition long hymns, expressions of praise, antiphons, and various special readings appropriate to the festival, and other compositions.

The readings from the Law are always in *Qaṭaf* form, except for special pieces called *Manāṭ* (appropriate selected readings), and the

⁶ Bulletin of the John Rylands Library, Vol. 40, no. 2.

selected verses or groups of verses in each *Qaṭaf* are set out in the biblical order with only a few exceptions. Each book of the Torah has its *Qaṭaf* form and this varies but little throughout the services. In addition to this, the Festival services contain two other long *Qeṭafim*: one said by the priest or elder conducting the worship and consisting of a collection of all, or very nearly all, references in the Law relating to the Festival: and one, almost identical, said by the worshippers and called the *Qaṭaf Ha-Ṭaba'ath*. This *Qaṭaf* (also called *Qaṭaf Ha-Ṭaba'ith*) is said during Festivals towards the end of the service, or, in the case of *Yōm Kippūr*, towards the end of each of the Eve and Morning parts of the service. There has been much speculation amongst the Leeds researchers as to the precise signification of this term. The word *ṭaba'ath* (Hebrew or Arabic) is used by the Samaritans in the sense of "circle" or "nature"; on the basis of the former rendering one might translate "congregation", because the Samaritan congregation sat in a circle; on the basis of the latter one might translate "cycle", so that this *Qaṭaf* is the *Qaṭaf* for a particular Festival within the Festival cycle. In view of the frequent antiphons and the practice of the congregation reciting refrains (Arabic *jawāb* is used for this), it seems almost certain that the *Qaṭaf Ha-Ṭaba'ath* is the form of the Festival *Qaṭaf* said by the congregation, i.e. Congregational *Qaṭaf*, though no scribal note in any MSS. states this.

Two other *Qeṭafim* occur in all the great Festival orders: (a) The *Qaṭaf* of the Ten Words (*Exodus* xx), and (b) the *Qaṭaf* of the Meritorious, to be described below.

It is regrettable that Cowley, in his monumental publication of *The Samaritan Liturgy* in Hebrew text, did not reproduce the *Qeṭafim*; no indication is given, therefore, as to the nature and contents of the readings and it is not possible from that otherwise excellent publication to appreciate the relationship of the *Qeṭafim* to the rest of the liturgy, either in the matter of content or of length. The whole pattern of the service or Festival is changed when the full *Qeṭafim* are included, because each section of the liturgy for any Festival is "geared" to the reading from Scripture.

Comparative study of the many *Qeṭafim* now available in MSS. studied reveals that there is a basic *Qaṭaf* for each book of the Law. Different services demand slight alterations in choice of readings, chiefly omissions and additions. The thematic aspect of this literary phenomenon is best seen where the "Sabbath" *Qaṭaf* is compared

with a Festival Pentateuchal *Qataf*. For "Sabbath" almost all Pentateuchal references to the "seventh day" and its observance are fitted into the simple weekday *Qataf*. When a Festival falls on a Sabbath, the same "Sabbath" references are inserted. Typical themes included thus are "Sabbath", "Joseph", "Commemoration", "Trumpet-Blowing", "Freewill Offering", "Eleazar", "Covenant", "Wonders" and so on.

Before turning to the *Qataf* types, the typical Festival *Qataf* arrangement is here set out:

Festival *Qataf*

Qataf of Genesis (after *Gen.* i)

Qataf of Exodus (part I)

Qataf of Exodus (part II)

Qataf of Leviticus

Qataf of Numbers

Congregational *Qataf* (for Festival)

Qataf of Ten Words

Qataf of the Meritorious

Qataf of Deuteronomy

Congregational *Qataf* (for Festival)

The Qataf Type I

For convenience the three kinds of *Qataf* above-mentioned are described as Types I, II, and III respectively. The first is the pentateuchal, and is the form of each book of the Law actually used in worship. Here is an example from the basic Sabbath order (all translations are from RSV):

"You shall season all your cereal offerings with salt; you shall not let the salt of the covenant with your God be lacking from your cereal offering; with all your offerings you shall offer salt (*Lev.* ii: 13). All fat is the Lord's. It shall be a perpetual statute throughout your generations, in all your dwelling places, that you eat neither fat nor blood (*ibid.* iii: 16b, 17). Command Aaron and his sons, saying, This is the law of the burnt offering. The burnt offering shall be on the hearth upon the altar all night until the morning (vi: 8) He shall not leave any of it until the morning (vii: 15b). And burned it upon the altar, besides the burnt offering of the morning (ix: 17b). Then Aaron lifted up his hands toward the people and blessed them; and he came down from offering the sin offering and the burnt offering and the peace offerings. And Moses and Aaron went into the tent of meeting; and when they came out they blessed the people, and the glory of the Lord appeared to all the people (ix: 22, 23)."

By this means the whole Pentateuch could well be read at speed in a weekly cycle or even in a full day's worship.

Type II is the type of the Festival *Qaṭaf*, and must be clearly distinguished from *Type I*. No doubt the early practice of using the *Qaṭaf* form suggested this *Type II*, at a time (14th century or earlier) when the revival in liturgical forms created a situation in which it became impossible to read all the pentateuchal *Qeṭafim* and, in addition, all the biblical injunctions (haggadic as well as halakhic) for the Festival in question. To illustrate the difference between *Types I* and *II* of the *Qaṭaf* form, the illustration for the latter is chosen from the *Yôm Kippūr* Festival *Qaṭaf*, beginning at the point where the above *Type I Qaṭaf* left off.

“and has been given to you that you may bear the iniquity of the congregation, to make atonement for them (*Lev. x: 17b*) and (the priest shall) make atonement for her; then she shall be clean (*xii: 7*) and the priest shall make atonement for her, and she shall be clean (*xii: 8b*). Then the priest shall make atonement for him before the Lord (*xiv: 18*) to make atonement for him who is to be cleansed (*xiv: 19*) Thus the priest shall make atonement for him, and he shall be clean (*xiv: 20b*) to make atonement for him (*xiv: 21b*) to make atonement for him (*xiv: 29b*) and the priest shall make atonement . . . for him who is being cleansed (*xiv: 31*)” and so on in the same style. This method certainly does not make for interest, but it does cover the biblical laws pertaining to the Festival being celebrated.

The purpose behind *Type I* is the abbreviation of the Law for convenience and through necessity; that underlying *Type II* is similar in method only, and has specialised application. *Type II* occurs also, almost identically, in the Congregational *Qaṭaf*.

Type III is met with most often in the *Qaṭaf* of the Ten Words and the *Qaṭaf* of the Meritorious (*ha-Zakkā'im*). This may well be called the Doctrinal *Qaṭaf*, setting out the fundamentals of the faith. The *Qaṭaf* of the Ten Words is, in fact, not strictly a *Qaṭaf*, since it is no abbreviation of the Law. It reads like a *Qaṭaf*, but there was no need for abbreviation, as the various parts already form a complete list in the biblical order. The *Qaṭaf* of the Meritorious, however, illustrates the nature and method of selection in *Type III*. It consists of a number of biblical references to the merit of the Patriarchs Abraham, Isaac and Jacob, and God's covenant with each or all of them. An essential aspect of Samaritanism is the belief in the efficacy of prayers made in the following form (e.g.): “We cry to thee, O our Lord, *be-'amal ha-shelōshim*, Abraham, Isaac, Jacob” and so on. The expression

be-'amal does not mean "for the sake of" as often translated, but "by the merit of". This is demonstrated amply by a study of the Samaritan doctrine of Moses, by whose merit (*be-'amal mōsheh*) the Children of Israel may be saved, by whose long fasting and intercession before God (i.e. his *'amal*), God's favour may be restored.

"but God will visit you, and bring you up out of this land to the land which he swore to Abraham, to Isaac, and to Jacob (*Gen.* 1: 24) And God heard their groaning, and God remembered his covenant with Abraham, with Isaac, and with Jacob (*Ex.* ii: 24) And he said, 'I am the God of your father, the God of Abraham, the God of Isaac, and the God of Jacob' (iii: 6) The Lord, the God of your fathers, the God of Abraham, the God of Isaac, and the God of Jacob, has sent me to you (iii: 15)".

Such a *Qaṭaf* is found at the beginning of the Karaite Service for the Festival of *Yōm Kippūr* (see Eupatoria Edition, p. 1) and consists of a list of scriptural quotations having the keyword "blessed is/are" *'asherey*; the quotations are from *Psalms* xxxii: 1-2; xli: 1; i: 1; xl: 1; xciv: 12; cxii: 1; cxix: 1; cxix: 2; xxxiii: 12; lxxxix: 15—in that order. In another case (*ibid.* p. 13) *lema'an* is the theme. There is one case (*ibid.* p. 69) where there appears to be a Type II *Qaṭaf*; here quotations referring to atonement and atoning are strung together in typically Samaritan style. There is nothing comparable to Type I. Presumably the Jews, whether Rabbinite or Karaite, had too large a Bible for that kind of practice. The Samaritans had the Torah only.

It may well be best to describe Type III as the *Qaṭaf* of Proof Texts. The chief laws and ordinances for daily living (as distinct from performance in worship) and the chief grounds for future hope, are thus set before the congregation at each diet of worship.

The three types are here listed for the first time:

Type I, Pentateuchal *Qaṭaf*, one for each book.

Type II, Festival *Qaṭaf*, two for each Festival (one said by the Priest and one by the congregation).

Type III, the Doctrinal *Qaṭaf*, or *Qaṭaf* of Proof Texts.

By means of the *Qaṭaf* form, then, the whole Law is read (*in extenso*, if not *in toto*) at a service or Festival; and by means of it all prescriptions and injunctions and references to a Festival are presented to the congregation: and also by its means "Proof-Texts", of basic doctrinal belief, are set out for the edification and comfort of the worshipper.

Current Literature

VICTOR TCHERIKOVER, *Hellenistic Civilization and the Jews*, translated by S. Applebaum, Jewish Publication Society of America, Philadelphia. Magnes Press, Jerusalem, 1959, pp. 566, \$6.

The hellenistic age, standing at one of the great water-sheds of history, is of perennial interest to the historian. The history of hellenistic Jewry has perhaps an added interest for our own age. It was the period not only of the persecution of Antiochus Epiphanes and the emergence of the Hasmonean state, but of the first notable contacts between Jews and the West and of the growth of a far-flung Jewish Diaspora. The task of interpretation has been put on a sound basis only since new evidence from inscriptions, coins and the papyri became available to supplement and correct the abundant, but often problematic, literary sources. At the same time there has occurred a shift of emphasis among scholars from a largely theological to a more general historical interest in the period.

The late Dr. Tcherikover, Professor of Ancient History at the Hebrew University, was one of the foremost authorities in this field, and in particular a pioneer of Jewish papyrology. The first volume of his monumental *Corpus Papyrorum Judaicarum* (in collaboration with A. Fuks) appeared shortly before his death, and was reviewed in this Journal in 1958 (p. 91). He was therefore eminently qualified to undertake a comprehensive treatment of the political and social history of hellenistic Jewry. Both the professional student and the interested layman will be most grateful for the publication of this posthumous work.

It is translated from a revised edition of the author's *Ha-Yehudim weha-yewanim*, which appeared in Jerusalem in 1930. The amount of recent work that has been taken into account may be gauged from the fact that out of nearly three hundred titles listed in the bibliography more than half have appeared since 1930. Nevertheless, for reasons explained at the end of the first appendix, the author did not feel justified in utilising the Dead Sea Scrolls.

The plan of the book closely follows that of the original Hebrew edition. After a general survey of hellenistic history the work is divided into two parts, dealing respectively with Palestine and the Diaspora. Throughout the author is concerned to place the Jews against the setting of the age, and, without minimising the unique features of Jewish history, he rightly holds that such phenomena as the social institutions of Diaspora Jewry, the internal upheavals of Judaea in the first half of the second century B.C.E. and the Hasmonean state itself, cannot be understood without reference to parallel developments in the hellenistic world as a whole. Thus the account of events in the time of Antiochus Epiphanes is preceded by an exhaustive survey and discussion of the Greek cities in Palestine; for it was with the attempt of the Judaeian aristocracy to convert Jerusalem into such a *polis* that the upheavals began. These cities, like their counterparts elsewhere in the Seleucid empire, were Greek in outward form only, i.e. in their political

organisation, institutions such as the *ephebeion*, participation in athletic contests, etc. Their population was predominantly native and many aspects of their life, in particular their religious cults, were scarcely touched by Greek influence. The so-called Jewish Hellenisers therefore aspired to no more than assimilation to a derivative culture, which was "Levantine" under a thin veneer of Hellenism. And they were prompted not so much by zeal for Greek culture, as a desire to participate in the economic and political opportunities open to the aristocracies of Greek cities. Since their aspirations fitted in with the policy of the Seleucid government, Jerusalem, in the author's opinion, became a Greek city in 175 B.C.E.

Eight years later religious persecution began. Scholars have long been puzzled about the motives behind this measure, which was so foreign to the general spirit of hellenistic civilisation. Tcherikover gives a useful summary and analysis of the different theories. The most recent, and also the most challenging, was that of Bickermann in *Der Gott der Makkabäer*, 1937. According to Bickermann, it was not Antiochus but the Jewish hellenisers themselves who initiated the persecution, in order to compel their misguided brethren to give up their superstitious exclusiveness. Tcherikover rejects this view, believing that the edict went far beyond the intentions of the Jewish hellenisers. His own explanation, which was already adumbrated in the Hebrew edition, traces the edict to the confused events in Judaea during the king's second campaign in Egypt. It is clear from 2 *Maccabees* that there was an armed rising in Jerusalem, originating out of an attempt of the former High Priest Jason and his followers to regain control of the city. Tcherikover believes that the main struggle was not simply a clash between Tobiads and Oniads, both of them aristocratic factions, but that Jason's *coup* triggered off a nationalist revolt. It was the *plebs urbana* of Jerusalem that drove Jason out and which had to be suppressed by the king on his return from Egypt. For this class had never been in sympathy with the hellenisers and had suffered from their financial dealings. When the government countered the rebellion by settling pagan military colonists in the *Akra*, the Temple service became polluted; the result was that the nationalist movement took on a religious character and made the "Law" its battle-cry. Thus "it was not the revolt which came as a response to persecution, but the persecution which came as a response to the revolt". Moreover, the nationalist movement had already found its leaders in the *Ḥasidim* or scribes, whose very existence as a class was threatened by the reforms of the hellenisers. On the whole this interpretation seems very plausible and it is borne out by the evidence. But the prominent part assigned to the *Ḥasidim* is perhaps open to question. While it is not improbable that there was an activist as well as a quietist element among the scribes, the few references to this group in the sources do not permit of any definite conclusions. It is certainly strange that no memory of their leadership should have been preserved in rabbinic literature, which was none too sympathetic to the Hasmoneans. But Judas Maccabaeus himself, as Tcherikover points out, was probably involved in the rising from the beginning, and he may well have found some of his associates among the *Ḥasidim*.

The interplay of nationalist and religious aims in the Hasmonean war is well brought out, and thus the continuation of the struggle after religious freedom had been restored is made intelligible. Furthermore, as a nationalist movement the Hasmonean rebellion finds parallels in other parts of the hellenistic world. In the reviewer's opinion, an important contributory factor to continued popular resistance was the fact that, as a punitive measure, the government had greatly increased the burden of taxation in Judaea. But the struggle was waged not only against the Seleucid government and its supporters in Judaea but against the Greek cities of Palestine. For these cities felt threatened by the expansion of the Jewish population at this time and therefore took the initiative in attacking their Jewish inhabitants. With the achievement of Jewish independence the tables were turned, and henceforth the Hasmoneans were the aggressors. Tcherikover rightly defends them against the charge, often made, of destroying Greek culture in Palestine. It is indeed abundantly clear that the Hasmonean kingdom itself took on many of the characteristics of a hellenistic state. But it may be asked whether the policy of forcible conversion was not fraught with grave danger to the Jewish people.

The section on Diaspora Jewry is of course predominantly descriptive rather than narrative, since political history plays a much smaller part in it. Evidence from the Roman period is admitted insofar as it helps to explain hellenistic conditions. As is to be expected, Egyptian Jewry receives most detailed treatment, not only because of its intrinsic importance but because of the abundant light thrown on this community by the papyri. Thanks to this evidence, for example, we are now comparatively well informed about the occupations of Egyptian Jewry and their business dealings with each other and their non-Jewish neighbours.

On the crucial question of the size of the Jewish population Tcherikover expresses himself with extreme caution both regarding the numbers given by ancient authors and the estimates of modern historians. Thus he regards the figure of seven million Jews for the hellenistic world, which is given in Baron's *Social and Religious History of the Jews*, as much too high. He does not despair of the possibility of arriving at a reasoned estimate, but believes that such a task can be undertaken on a comparative basis only, i.e. by taking into account all the related evidence from the hellenistic world in general. This would seem to be a fruitful field for the future historian.

In his discussion of the organisation and status of Diaspora Jewry Tcherikover is again concerned to relate the Jewish *politeuma* to other groups in the medley of different populations that went to make up every hellenistic state. In many ways the Jews fitted into the general pattern. The unique feature of the Jewish communities is represented by their refusal to take part in the usual cults and their need for certain privileges, e.g. the right to observe the Sabbath and to send money to Jerusalem. Whilst we possess documents granting Jews the right "to live according to their ancestral laws" there is none which explicitly "exempts them from the duty of participating in the worship of the gods". Normally they were assured of this exemption by tacit agreement, but in times of anti-Semitic outbreaks it

was always threatened. It was chiefly this factor that frustrated all Jewish efforts to obtain civic rights in the Greek cities; for after a thorough examination of the evidence the author concludes that, contrary to the claim of Josephus—a claim upheld by many modern scholars—Jewish communities never possessed civic rights in the ancient world. In hellenistic Egypt they enjoyed certain privileges as compared with the native population, and the question of their emancipation did not become acute until the Romans imposed their poll-tax on all except citizens. Thereupon Jewish efforts to achieve equality with the Greeks led to violent clashes, but the Jews never succeeded in their main objective. Certain individuals, however, did manage to combine membership of the Jewish *politeuma* with citizen status. In a final chapter on the Cultural Climate the author deals with such diverse topics as assimilation in the Diaspora, the use of the Greek language, and Jewish names, and he concludes with an account of ancient anti-Semitism.

Dr. Applebaum has tackled the difficulties of translation with competence though here and there his rendering is not quite true to English idiom. There are a few minor omissions in the index and bibliography that should be corrected in further editions.

ANITA MITTWOCH

'AZRIEL SHOHAT, *Tequfath ha-Bayith ha-Sheni*: from the Babylonian Exile to the Revolt of Bar Kokhba. J. Chachik, Tel Aviv, n.d., pp. 200.

This book, which covers six centuries, is intended as a textbook for the upper classes in Israeli high schools, but is also useful to the general reader possessed of some education, since it serves as a short but comprehensive introduction to this important period in Jewish history.

The value of this book is greatly enhanced by the abundant use the writer has made of new material, especially that published in Israel during the last two decades. As well as the new light thrown upon this period by the discovery of the Dead Sea Scrolls (which are of course discussed in this book) the author deals with other problems of antiquity according to the findings of the most recent scholarship. Examples of this method are to be found in his treatment of such things as "the first *Hasidim*" and the Sanhedrin. The book is written in a clear style, the understanding of which is made easier by many well drawn maps and illustrations. His use of simple, vivid details often illuminates the subject far more than long, involved descriptions and explanations would do; he tries always to give the population of the various centres at the time in round figures, e.g. in the case of the increase in the population of Palestine, the Jews in the Roman Empire, the Jews of Alexandria in relation to the general population, etc. These numbers, although not always quite accurate, (e.g. p. 14 where 60,000 should be 100,000) nevertheless lend reality to his picture of the period.

Yet, in spite of the book's great virtues, there are a few shortcomings which cannot be overlooked. Sometimes the author appears to be undecided about various problems, and when he accepts certain opinions he is guilty of inconsistency in not pursuing them to their logical conclusions. This

tendency to sit on the fence is shown in the treatment of the "period of the *Soferim*" where he accepts Urbach's opinions but not wholeheartedly. Thus there is no clear-cut definition of "*Soferim*", although they are mentioned frequently (pp. 14, 25, 69), and it is hard for the reader to determine what was their rôle in the period of the "Men of the Great Assembly" which had started in the time of Ezra (p. 26). Another example of such a hesitant approach is shown in the author's views on the New Testament. While the words of Jesus are treated in a rather critical way (p. 127), those of Paul are taken at their face value (p. 129).

One of the best things in the book is the way it follows up the most valuable researches of Baer on the Greek influence upon the *Hasidim*. But he goes too far in describing the influence of Plato even where it is doubtful. Despite the fact that in the sources immortality of the soul is connected with the resurrection of the dead, our author can discern in the belief in immortality the influence of the *Phaedo* (p. 35). The influence of the doctrine of Ideas is forcedly connected with Judah the Galilean, the Zealots (p. 125), and with Paul (p. 130). Hillel's traditional Babylonian origin has been exchanged for an Alexandrian one, and an obscure legend produced to prove his proficiency in science (p. 166) in order to prove the impact of Hellenism on him.

In contrast to the clarity of the bulk of the book there are certain problems which have not received proper emphasis. The separation of the Samaritans from Jewry and all the problems connected with it (p. 22) are overlooked. Similarly the crucial point in discussing hellenisation, which must revolve mainly round the contrast between the Oriental and Western cultures and civilizations and the problems growing out of this clash (p. 33), is not adequately dealt with. To base the controversy between the *Hasidim* and the Hellenists on the issue of "Torah revealed from Sinai" is also unsubstantiated. The paragraph devoted to the development of the language is also too short (p. 69), lacking as it does a definition of the "Mishnaic Language", and no attempt is made to illuminate the development.

There are a few points which mar the accuracy expected of a textbook. The explanation put forward by the author for the "Great Assembly" is no more satisfactory than the one rejected by him (p. 26) and it ought to be passed over. The date of the desecration of the altar (p. 37) was 168 B.C.E. (not 167). The explanation of the motivation for the controversy between the Pharisees and the Zealots (p. 125) fits rather into a sermon than into a textbook; and the same applies to the relationship of R. Yoḥanan b. Zakkai to the Zealots (p. 168). There is no more proof in the sources for the offering of sacrifices during the Bar Kokhba revolt than there is for the rebuilding of the Temple (p. 175).

The rational and objective historical style of the book has sometimes been sidetracked by apologetic obscurities. In the case of the sending away of foreign wives (p. 16), and likewise regarding forcible conversion (p. 51), apologetic remarks occur. An expression like "Thus (i.e. by the accession of the Edomites to the throne of Judea) did history avenge the forcible

conversions" (p. 106), hardly fits into a textbook. In the description of the hellenistic assimilation among Egyptian Jewry its positive sides only are mentioned. (p. 82ff.). The personality of the Procurator Tiberius Julius Alexander, who was equally typical of this environment, is blurred by the confining of the treatment (pp. 93, 137, 144) to some general remarks. It seems that for the same reasons the author remains silent about the rôle of Agrippa and Josephus on the Roman side during the war of destruction (p. 153 f.).

The book on the whole is arranged in a systematic and easily intelligible way. It might have been better to transfer certain paragraphs from chapter VI to ch. I (especially the paragraphs dealing with Egypt and the Temple in Elephantine, p. 73) and to place the four first paragraphs of ch. XI before the destruction, but this is really a question of taste.

These criticisms are not intended to play down the virtues of the book as a whole, for it remains an excellent textbook. An English translation, with the addition of a general index, would fill a long-standing need.

S. LOWY

HENRI MICHAUD, *Sur la pierre et l'argile. Inscriptions hébraïques et Ancien Testament*. Delachaux et Niestlé, Neuchâtel-Paris, Edité en Suisse, Cahiers d'Archéologie Biblique No. 10, 1958. pp. 128, 10 plates, 34 figures. Swiss Francs: 5.70.

The work under review is primarily intended for the educated non-specialist: "Nous avons d'abord pensé aux lecteurs pour qui l'épigraphie hébraïque est un sujet nouveau ou encore peu connu". With the biblical period as his subject, the author—who is Professor in the Paris Faculty of Protestant Theology—deals with documents written in the Palaeo-Hebrew alphabet only. One of the inscriptions, the Mesha stele, is not in the Hebrew language but the difference between Moabite and Hebrew is negligible and the script might be described as identical. The term *inscription* is understood in the wider sense generally employed in Semitic epigraphy: what counts is the material written on—i.e. anything on stone or clay—no matter whether the letters are incised, pen-written or painted.

The first two chapters are devoted to brief accounts of "Les Hébreux et l'écriture" and "L'écriture en Palestine avant l'arrivée des Hébreux". Then follow the texts in their chronological order: Gezer tablet, Mesha stele, Tell Qasila and Hazor graffiti, some of the Samaria *ostraka*, Siloam, Shebna (text only), some of the Lachish *ostraka*, some seals and jar handle stamps.

The book is concerned with the contents of the texts and with their background but not with the script in which they are written and its development, i.e. it does not aim at being also a contribution to palaeography. The originals of the inscriptions are presented in half-tone facsimiles or as line-drawings. A number of useful maps are provided. The author's lucid translations are the result of careful work; they are of interest and value to the lay reader as well as the expert. The book constitutes an excellent introduction to this field of study.

S. A. BIRNBAUM

CURRENT LITERATURE

JAMES B. PRITCHARD (editor), *The Ancient Near East. An Anthology of Texts and Pictures*, pp. xix + 380, 197 plates. Princeton University Press and Oxford University Press, London, 1958. Price in U.K., 40s.

JAMES B. PRITCHARD (editor), *Archaeology and the Old Testament*, pp. xii + 263, 1 map, 77 illustrations. Princeton University Press and Oxford University Press, London, 1959. Price in U.K., 30s.

The author of these two books is well known to the scholarly world, and to a wider circle interested in the Bible and its ancient near eastern background, through two important reference works which appeared under his editorship. *Ancient Near Eastern Texts*, a collection of almost all the major ancient near eastern documents of direct interest for Old Testament scholarship translated afresh by an impressive gathering of well known specialists, has rapidly become a standard source of reference; its companion volume, the *Ancient Near Eastern Pictures*, is likewise a very useful work. Professor Pritchard is furthermore qualified not only within the sphere of textual material, but he is also a successful field archaeologist whose recent excavations at el Jib in Palestine have helped finally to identify ancient Gibeon of the Bible and to discover much of interest about it.

In the two books here under review, Professor Pritchard aims at providing the essence of the Near Eastern background, textual and pictorial, for non-specialist circles, and at informing the educated layman of the methods and results of Palestinology and Palestinian archaeology. Both books offer the reader a great deal: the second mentioned work appears perhaps to be particularly successful. *The Ancient Near East* is essentially based on *Ancient Near Eastern Texts*, from which it selects a number of documents, shortening both them and the explanatory notes contained in the larger work. It contains 12 main groups of texts; Egyptian myths and tales; myths and epics from Mesopotamia; a Hittite myth; Ugaritic myths and epics; legal texts; Egyptian historical texts; Assyrian and Babylonian historical texts; Palestinian inscriptions; Canaanite and Aramaic inscriptions; rituals and hymns; wisdom, prophecy, and song; and letters. As in *Ancient Near Eastern Texts*, the quality of the work is high (though the shortening of texts inevitably involves some loss) and the presence of marginal notes referring to relevant biblical passages is useful. In any second edition the special difficulties confronting a lay public attempting to deal with this kind of material should perhaps be more amply taken into account. The introductions to texts are very short and documents are not set in an overall explanatory frame; cuts are not always clearly indicated, and there is no chronological table. (The volume of documents edited recently by Professor D. Winton Thomas for a more general educated public, *Documents from Old Testament Times*, shows how these difficulties can be successfully surmounted). The lack of guiding notes may also trouble the lay reader when turning to the pictures. Nevertheless, the book could be very useful employed as a reference work by students working under the guidance of a specialist teacher.

Archaeology and the Old Testament covers much ground within a small

compass, and introduces the reader to the essentials both of Palestinology and Palestinian archaeology, and furthermore to the general cultural and religious background to the Old Testament which excavation and discovery in the Middle East have revealed to us. Of its six chapters, the first deals with the growth of Palestinian archaeology from its foundation by Sir Flinders Petrie to the latest work at Kh. Qumran; the second similarly traces the development of our knowledge of the historical geography of the Holy Land from the days of the early pilgrims onwards. The third chapter outlines the work of discovery in Phoenicia, Moab, and Ugarit, and sums up the data of interest to biblical scholarship gained in these quarters; the fourth chapter deals similarly with Assyria. Chapters five and six introduce the reader to the myths, laws and wisdom literatures of Israel's more important neighbours. The book is completed by a short postscript, a very useful glossary, a list of sources for the illustrations, a general index, and a further index of biblical references. It thus contains within a small compass a great deal of judiciously selected information, and it is moreover very well illustrated and extremely readable. The author's aim has been thoroughly achieved, and the book can be warmly recommended to the circle for which it was intended. Indeed, it might be added that even the more specialised reader may well enjoy looking at this book, which contains interesting details which will not easily be found elsewhere.

B. S. J. ISSERLIN

LAZARUS GOLDSCHMIDT, *'Oznayim la-Torah*, Subject Concordance to the Babylonian Talmud. Edited by RAFAEL EDELMANN. Ejnar Munksgaard, Copenhagen, 1959, pp. [iii] + 607. Price in England, £20.

'Oznayim la-Torah in the sense of "aids to memory" to help in finding any particular passage, or as an index to parallelism of thought, is a device recognised and recommended from ancient times. The parables of Solomon were intended, according to the Midrash (*Cant. R.I.*, 1, 8), for such a purpose. According to the simile of R. Yose, the Torah was like a large basket, full of produce but without any handle, so that it could not be lifted until a clever man came and made handles for it and then it began to be carried by handles. For navigation in the "sea of the Talmud" such aids are not superfluous even for those who are proficient in its currents; it goes without saying that they are indispensable to the average scholar.

One must be grateful to the Author and to the Editor of the work under review for their laborious enterprise which gives us, in a handy form in one volume, a treasury which lists in alphabetical order the main subjects of the Babylonian Talmud. Previous works do exist, being mostly lexicons which include some of the subjects as well as the words, but since their purpose is mostly to explain the meanings of the more difficult words, subject matter was often neglected. The *'Arukh* of R. Nathan (especially in its modern edition by Kohut) can boast great merits in this field; but the authors had to limit themselves to the framework of a lexicon, and could not concentrate on bringing together subjects except insofar as was necessary for their purpose. Another important work, the *Paḥad Yiṣḥaq* by Lampronti written

during the 18th century, has great practical value, but its author considered that his main aim was to describe the *responsa*-literature and to clarify details of the talmudic subjects, so that in this way subjects and maxims of the purely talmudic sources were obscured.

It is recently only, in our own generation, that an attempt was made to arrange a subject encyclopaedia of the Talmud by the late Prof. Y. Michael Guttman. Unfortunately, only the letter 'Alef' appeared in print, and the whole work (which was most probably ready for publication) perished in Hungary during the Nazi occupation, which thereby inflicted a tremendous loss on Talmudic scholarship.

The present work is therefore the first complete subject concordance, and its practical usefulness can hardly be overestimated. If one opens the book at the subject one seeks, the cross-references are immediately to hand, this making it very easy to appreciate the whole picture of its talmudic treatment. Taking, for example, the subjects 'ishshah, 'esheth, and 'ishto, one could obtain in a short time a relatively comprehensive picture of the subject of married life and women in the Babylonian Talmud. This arrangement of subjects according to key-words in alphabetical order, and by references to other key-words in cases where one quotation deals with more than one subject, makes the practical usefulness of the *Concordance* simple even for those who are not sufficiently trained in the methods of dealing with the labyrinthine problem of order in the Talmud. For the talmudic specialist this convenient way of concentrating on talmudic subjects is of still greater value, helping as it does to recall forgotten details and show clearly parallels and contradictions. Since this is a subject concordance, one should not expect comprehensiveness in the manner of a lexicographical manual. The work can therefore hardly be used for discovering the frequency of words or forms of expression, the rarity or absence of others, their prevalence in certain treatises of one editorship or academy, or the stylistic and syntactical modes in which they are employed. For these types of studies we still await the completion of the work of Rabbi Kosovsky of Jerusalem.

As the work under review must be judged as a subject concordance, it is arbitrary to demand absolute completeness. Even with all the industrious work of both Author and Editor, such a task would be impossible. Unfortunately, the Editor has not disclosed the method of selection of his subjects, and since he did not, moreover, clarify what he understood by a catch-word or key-word, the task of the critic is rendered very difficult.

In order to illustrate the approach and method of the book we have to take some subjects as examples and verify how much of the talmudic material is covered by it. Taking the first Subject—'Alef—(or 'Alef Beth), we note the following quotations as missing: *Sheq.* III, 2; *Shab.* 31b; *ibid.* 55a; *Yoma* 36b; 'A. R. *Nath.* ch. 6, 16. It seems that the contents of the 'Avoth de-R. Nathan were not included in the material covered by the *Concordance*. When one naturally turns to related matters for the missing quotation, it is disappointing to find that not only these, but even their own subject is missing (as e.g. the subject of 'Othiyoth: *Shab.* 89a; 'Erub. 18b; *Pes.* 3a; *ibid.* 87b; *Soṭ.* 36a; *Qid.* 30a; *San.* 38a, *ibid.* 102b).

There are some whole subjects (or key-words?) missing. As mentioned above there is a comprehensive subject on 'Ishshah, but related subjects are absent: *ziwwug* (*Soḥ.* 2a; *Giṭ.* 90b; *San.* 22a, etc.), *Pesiqta* (*Mo'ed Q.* 18b; *Qid.* 9b; *Keth.* 102a, etc.), *Reshuth* (as opposed to *miṣwah*, *Shab.* 36b; *Pes.* 49a), *havarah*, *Yom.* 19b; *R. Hash.* III, 7; *Giṭ.* 89a). For the sake of consistency it would surely have been better to give the Aramaic form corresponding to 'ishto, viz. *debethehu* (it does appear under different headings, among the names of Rabbis and under other roots) as a key-word. But such a degree of completeness of references would increase the material of the book to several volumes.

There are also some comments to be made on the arrangement and order of the subjects. Under names of Rabbis (e.g. 'Ammi, Zera, Nahman, etc.) we find "see. R" but looking up *Rav* or *Rabbi* we find: "see name of Scholar". Strangely enough all the names of Rabbis appear at the end of the letter resh (pp. 497c-518) without any previous reference anywhere in the book to this arrangement.

One wonders also why it was necessary to separate the "facts" from the bulk of the book. It would surely have been simpler to add this part to their respective subjects (or key-words?). Thus for example the whole subject of *Divorce* in the section of "facts" could have been subsumed under the key-word of *giṭta*. This in itself shows how incomplete the list of "facts" is, since it does not mention those cases where another word is applied (e.g. *gereshah*, *Pes.* 110b; 'Arak. 23b; etc.).

But even the most cavilling critic will have to admit that, despite all the shortcomings of the book, it will be a great blessing to talmudic students. This first *Subject Concordance* will certainly occupy a place of honour in every Jewish library, and its practical use will stimulate research into the Babylonian Talmud.

S. LOWY

'*Oṣar Yehudey Sefarad* (*Tesoro de los Judíos Sefardies*), Edited by ISAAC R. MOLHO. Vol. I, 1959, pp. xl+84. Published by the Editor, Jerusalem (P.O. Box 390).

This is the first volume of a miscellany which is to be published at irregular intervals and is devoted to the history, language, and literature of the Sephardim. Most of the articles are in Hebrew, some of them in (Castilian) Spanish. Before embarking on a detailed account of its contents we may state at once that on the whole the publication is kept at a serious, scholarly level.

The first article, by A. Almaleh, is an extract from a forthcoming biography of that unusual man Joseph Halévy, Hebrew poet, explorer, and orientalist. The author publishes a most interesting letter by Halévy dated from Adrianople (his native city) the 14th *Shevaṭ* 5625 (1865) and addressed to the heads of the Alliance Israélite Universelle in Paris, in which he offers his services for an expedition to the Falashas in Ethiopia. The letter gives a curious insight into the motives (preponderantly of a Jewish philanthropical, rather than scholarly, character) that led Halévy to contemplate the

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ourney, which as is well known was actually carried out by him in 1868 and was a prelude to his more famous exploration of the Yemen. We look forward to the publication of the biography which, if one may judge from this specimen, is likely to shed new light on this fascinating character.

A. M. Habermann publishes three *selihoth* by Moses ibn Ezra, taken from two MSS.

I. R. Molho's article (Judaean-Spanish literature in Turkey during the first century after the expulsion of the Jews from Spain and Portugal) follows, on the whole, conventional lines; there is hardly any new material, nor is there any deep analysis. In fact, various points in the interesting preface to the Judaean-Spanish epitome of Joseph Caro's halakhic work called *Shulhan ha-Panim* are misinterpreted. The admonition not to publish transcriptions of the text in Latin characters is surely not intended to prevent competition with original Spanish works in Latin characters which could serve as an antidote to the assimilation of the Marranos by their Christian surroundings (I hope I have understood the author's meaning (p. 17) correctly), but in order not to supply ammunition to Christian controversialists. The work was printed in square Hebrew characters and with localisation, because "there are many who cannot read any other script", i.e. the more usual rabbinic script, not as the author seems to think (p. 19) the Latin script. And it is quite wrong to attribute (*ibid.*) to the author of the preface the view that, in an emergency, "it is better to transcribe the text into Latin script for those who do not know the square script, as it has been done with the prayer-book"; on the contrary, it is precisely against such practice that, in the context, the author of the preface is protesting and the sentence in question is put into the mouth of the advocate of the opposing view which is dismissed by the author himself. Yet it is worth pointing out that the article contains useful and informative bibliographical references.

M. Beneyahu discusses the life of R. Isaac Carigal and publishes some of his letters. Carigal, born in Hebron in 1729, acted as a *shaliah* of his native community in various parts of the world, first in the Middle East, then in some European countries, and thereafter filled various rabbinical posts in the New World: he was first appointed rabbi of Curaçao, then of Barbados; he died in 1776. (Carigal, whose curious career took him from Palestine to America, is best known from his conversations and correspondence with Ezra Stiles, president of Yale College.) Beneyahu publishes six letters concerning Carigal's mission in Italy (1757-61), five of them being autographs addressed by him to R. Solomon Forte (*Hazaq*) of Modena, and the last a letter to the same addressee from Elijah b. Solomon Ha-levi, which was enclosed with one of Carigal's own.

N. Ben-Menahem supplies, under the title "From the treasure-house of the Bibliothèque Nationale in Paris" some details about certain Hebrew MSS. of that library, supplementing their description as published in the catalogue of the collection; most of the MSS. in question contain works by Abraham ibn Ezra.

N. Allony gives a detailed commentary on a Hebrew poem published from the Genizah by J. Komlós (*Tarbiš*, xxvii, 1958, pp. 545-9).

I. Lusitano publishes, in Hebrew translation, extracts concerning the Sephardim in Turkey taken from the work *Les observations de plusieurs singularités et choses mémorables trouvées en Grèce, Asie, Judée, Egypte, Arabie, etc.* by the 16th-century naturalist and traveller Pierre Belon.

In a second article N. Allony gives some details about various Hebrew MSS. preserved in Spanish libraries. On the basis of a short Arabic note in a MS. of Maimonides' *Mishneh Torah* he concludes that the MS. was copied from the author's autograph; but the words in question (*qūbila 'alā nuskhāt al-aṣl*) by no means bear out such a conclusion, as usually they simply indicate that the copy "was collated with original", i.e. the model used by the copyist.

A welcome feature is the inclusion of notes about contemporary scholars who write on Sephardi subjects. There are short accounts of Mrs. C. M. Crews of Leeds, who stands in the foremost ranks of students of the Judeo-Spanish language; Isaac S. Emmanuel, a native of Salonica, later rabbi in Curaçao, Panama and Rio de Janeiro, and author of books on the history of the Jews in Salonica and in America—in his book *Precious stones of the Jews of Curaçao* he published, among others, the tombstone of Rebekah Spinoza, sister of the philosopher, and of Isaac Carigal, subject of the article mentioned above; and finally Jose M. Estrugo, a native of Smyrna, whose books *El retorno a Sefarad* (published in 1933 while he lived in Spain) and *Los Sefardies* (Havana 1958) seem to be of a more popular character. The last article of the Hebrew part consists of the reproduction of some tombstones from Salonica.

In the Spanish part H. Peri points out that the *De amore* by the Italian author Francesco Cattani da Diacceto (1446-1522) had some influence on the *Dialoghi d'amore* of Judah Abravanel (Leone Ebreo), and announces his intention of publishing a more detailed study of this question.

The article "Evocación de Seferad" by D. Gonzalo Maeso is more in the character of a *feuilleton*, and in it the rhetorical element (present also in some of the Hebrew articles) preponderates.

I. S. Emmanuel provides interesting details about the use of Portuguese in the synagogue *Mikveh Yisra'el* in Curaçao. Whereas Portuguese ceased to be the language of the sermons, official correspondence, and funeral inscriptions by the middle of the 19th century, it survived in various formulas used in the synagogue.

C. Ramos-Gil contributes somewhat general observations and reflections on Judaeo-Spanish as spoken and written in Israel.

S. M. STERN

S. ZIMMELS, *Ashkenazim and Sephardim—Their Relations, Differences and Problems as Reflected in the Rabbinical Responsa*. Jew's College Publications, New Series No. 2, London (Oxford University Press), 1958. pp. xvi + 347, Price 42s.

The amount of information about the Ashkenazim and Sephardim that may be gathered from this book is overwhelming. After a general survey of

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the contact between these two branches of European Jewry from the early Middle Ages until the establishment of the State of Israel, the book deals with the many fields in which differences between the two are to be found—as for example pronunciation, liturgy, customs, leniency and strictness in *Halakhah*, etc. The author's great erudition, particularly in halakhic literature, makes the work a reference book for the study of the many problems with which it is concerned. The reader will also find a generally up-to-date bibliography.

The main virtue of the book is its paintsaking presentation of detail. The underlying conception of the historical differentiation between Ashkenazim and Sephardim is the classical one: Sephardic Jews figure as the enlightened community living in close contact with its non-Jewish environment, while the Ashkenazim, especially German Jewry, appear as living in social and cultural isolation from the earliest times. In point of fact, such a thesis has been disproved by the research of the last decades. The author himself refers to the works of Isaac Baer, for instance, which prove the influence of Christian beliefs on Ashkenazic conceptions, but Zimmels is not, apparently, capable of following up the conclusion implied.

Another shortcoming of the author's method seems to be the insufficient differentiation between reality as reflected in the literature and pure theory put forward by halakhists and moralists. Certainly the line of difference cannot always be drawn between the two camps, and a controversy between an Ashkenazic and a Sephardic author is sometimes more radical than the difference between Ashkenazim and Sephardim *qua* communities. It is thus an exaggeration to see the great codifiers Rabbi Jacob ben Asher and Rabbi Joseph Karo as having been motivated by the object of overcoming differences between Ashkenazim and Sephardim. The confusion of practical and theoretical traditions called for authoritative decision, regardless of the difference between the two.

Nevertheless, this book will count as a scholarly achievement of first rank and we may hope that it will pave the way for a study of the problem on less detailed, but perhaps more realistic, lines.

JACOB KATZ

SELMA STERN, *Josel von Rosheim, Befehlshaber der Judenschaft im Heiligen Römischen Reich Deutscher Nation*. Stuttgart, Deutsche Verlags-Anstalt, 1959, pp. 277.

This book, published by the American branch of the Baeck Institute, deals with a man who was the spokesman of German Jewry during the second quarter of the 16th century. He came from a small town in Alsace, a region where the Imperial government of the Hohenstaufen period had survived as the territorial administration of the Habsburgs. His position as representative of Jewry, first in his home district and from 1529 for all the German lands under the authority of the Emperor Charles V, had as its historical background the dispersal of the Jewish communities after their expulsion from almost all bigger towns during the 15th and early 16th centuries. The fact that this process of social deterioration was still going on

set Josel the task to which he dedicated his life. He defended his nation in German memoranda, with a sound knowledge of existing privileges. His personality must obviously have made an unusual impression on his gentile contemporaries; his negotiations with German princes were often successful, and in 1537 even Luther, having given up hope of converting the Jews to his faith and having become their enemy, expressed his refusal to help Josel in a comparatively polite letter. The mainstay of the Jewish advocate was Charles V, the second great figure in Dr. Stern's history. At the Diet of Speyer in 1544 he granted a comprehensive privilege to the Jews, at Josel's request, promising safety for their lives and their traditional economic activities. Throughout these critical years the "commander" of the German Jews was a loyal supporter of Charles's policy of imperial restoration and an antagonist of the rival claims of the territorial princes, especially of the Protestant opposition. He liked to trace back the legal position of the Jews under the emperor to their citizenship in the Roman empire. Dr. Stern has been able to illustrate these political combinations from fresh material in the archives, which she has shaped into a readable book. Her most important source was the rich collection of Imperial and Habsburg documents in Vienna. These were not used by L. Feilchenfeld when, in 1898, he published a useful monograph on Josel, mainly as a contribution to the local history of Alsace. K. Brandi, who in his researches on the period emphasised the importance of the diplomatic and administrative papers in Vienna, did not deal with Josel in his history of Charles V, which was published under the Nazi rule. Thus the present book fills a not unimportant gap in what we may call our political history.

Dr. Stern, who established her name as a historian by pioneer work on the rise of Jewry in 18th-century Prussia, was attracted to this earlier period by the parallelism in position and character which she saw between Josel and Leo Baeck. To her, both seemed equally defenders and moral advisers of Jewry, and it may be noted that Josel tried to establish a code for the economic activities of his fellow Jews. This starting-point accounts for the emphasis placed throughout the book on those features by which Josel appears as a post-medieval Jew in intimate contact with the currents of his own age, that of the Renaissance. This interpretation is given in its most explicit form in the chapter on his personality as expressed in his diaries, reviewing contemporary events, and in his moral and religious reflections, only fragments of which survive. For Dr. Stern the dignity of his bearing, certainly an important source of his strength as a negotiator, is closely related to the self-sufficiency and independence shown in paintings by Dürer and Holbein of humanists and patricians, proud representatives of their city republics. The author likes to view Josel, both in his pleading and in his reflections, as nearer to the men of the Renaissance than to the mentality of the pious sages of the Jewish Middle Ages. But she admits that his ideas on religion have nothing to do with the universal monotheism that was characteristic of the humanistic *intelligentsia*. The reader may therefore ask whether any influence from this quarter really penetrated below the surface and helped to shape his mind. Only a close argument, using both

medieval and humanistic texts as comparative material, would provide a convincing answer. That Reuchlin and other theological reformers had Jewish collaborators in their biblical studies does not prove any close connections between Jewry and its cultural environment; the Dominicans and other Christian scholars of the 13th century used Jewish authorities for their philosophical works and had rabbinical contacts in their biblical studies at a time when the development of civilisation led to the isolation of Jewry that prevailed in the late Middle Ages. It seems probable that a stronger emphasis on the continuity of medieval traditions in Josel's life and thought would have increased our understanding of the man, who was simultaneously money-lender and rabbi, politician and moral adviser. Consideration of his background confirms this point of view. The social and economic position of Jewry in the 16th century was clearly the final stage of a process which started in the 14th century. The beginning of a new period of Jewish history opened slowly, at the *end* of the 16th century, when emigrants from Spain and Portugal settled in north-western Europe. In the 18th century these created, for Ashkenazi Jewry as well, an outlet into a less narrow existence, as has recently been shown by Prof. Kellenbenz' substantial volume on the Sephardim of the lower Elbe. There is no doubt that, both in action and in thought, Josel was deeply influenced by the situation which existed before this re-entry of Jewry into the life of Europe.

H. LIEBESCHÜTZ

ABRAHAM SILBERSTONE (SILBERSTEIN), *Mi-ma'yeney ha-hasiduth*, edited by Robert Gordis and Morris D. Margolis. The Rabbinical Assembly of America, Bloch Publishing Co. New York, 1957. pp. 202.

The book under review is a posthumous collection of the author's essays on various aspects of Hasidism hitherto scattered throughout Hebrew and Yiddish journals published in America. They have been collected in one volume and edited by two of the author's close friends. It is a pity that the Yiddish essays were not translated into Hebrew, as it would have made the book into a better unit.

The short essays fall into two categories: there are scholarly investigations into the development of some of the basic ideas of Hasidism and, on the other hand, eloquent meditations on subjects such as festivals in Hasidism, etc.—a quite obscure literary *genre*. Perhaps it would have been better to edit these two types in separate volumes. Their appeal is obviously to different types of readers. Even more than by the text, the reviewer is bewildered by the illustrations which are in the worst tradition. Ecstatic *hasidim* dance in self-abandonment over the title page, and one wonders what was the reason for the inclusion of the Sabbath illustration on page 127. The portrait of Israel Ba'al-shem with the pseudo-Chagallesque background on page 16 is certainly apocryphal.

The volume opens with a fine biographical sketch (by Robert Gordis) of the author, who suffered from a painful illness for many years before his premature death, and ends with an appreciation by another close friend, Menahem Ribalov. The book overflows the bounds of a collection of

literary essays, and has become a volume dedicated to the author's memory by his friends.

J. G. WEISS

S. HURWITZ, *Die Gestalt des sterbenden Messias. Religionspsychologische Aspekte der jüdischen Apokalyptik*, mit einem Vorwort von Alexander Altmann. (Studien aus dem C. G. Jung-Institut Zürich, viii). Zurich, Rascher Verlag, 1958, pp. 238.

The origin, growth and meaning of the enigmatic figure of the warrior-messiah *ben Yosef* who falls in battle against the armies of the heathen is undoubtedly one of the most intriguing and fascinating problems of Jewish eschatology. The symbol of a second, "tragic" Messiah is surely one that cries out for psychological treatment, and S. Hurwitz has deserved well of all those interested in the no-man's-land between depth-psychology and the history of religion by making a serious and thoughtful attempt to illuminate the problem. The range and purpose of Hurwitz's study are such that it can be viewed (and reviewed) on two levels. It is a first-class summary of the relevant facts, presenting a translation of the main texts, discussing the issues raised by them and critically assessing the various theories advanced by Jewish and Christian scholars. The non-hebraist will find the book a most valuable presentation and analysis of the relevant aggadic texts, and the expert in Jewish studies will be no less grateful for the author's systematic and up-to-date summary of research on the subject. To leave it at that, however, would be to do an injustice to the author, whose main problem is essentially a psychological one. History and philology merely provide the factual raw material that he tries to interpret in terms of C. G. Jung's analytical psychology which is taken for granted throughout. The point of departure is as simple as it is obvious: a messiah is hardly a figure drawn primarily from actual, "objective" historical experience. Whatever the historical elements and influences that may go into the formation and development of such a figure, it is basically a mythological symbol, i.e. in Jungian terms an ultimately archetypal, collective and hence also archaic image. That archetypes (even such as signify "wholeness", "unification", "perfection" and hence "redemption") do polarize and split is a well-known psychological fact, the problem in this case being the precise significance of the split of the messianic symbol into two redeemer figures, one of them mortal and heroic, the other triumphant and, as it were, more "heavenly". The process of differentiation was already at work before the emergence (2nd-3rd centuries C.E.) of the dying messiah—as witnessed by the dual eschatology of the Qumran sect, certain apocryphal books and the Karaite tradition—and the author relates it to an analogous process discernible in the Bible itself where the originally undifferentiated image of God polarized in the (guarded and qualified) dualism of a good God and Satan. Clearly Hurwitz's study raises important issues that go far beyond its avowed subject. The relevance of psychological concepts and developments to historical problems, in fact the relation between unconscious psychological and historical processes as well as the meaningfulness of the application of

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Jungian categories to religious phenomena are among the problems highlighted. One may regret the inevitable insufficiency in the treatment of the historical side of the subject, or even disagree in detail or in principle with the author's way of envisaging the relation between historical and psychological reality; but no reader can lay down the book without feeling grateful for a remarkable, thought-provoking and genuinely stimulating study of a fascinating subject.

Z. W.

Şefunoth, Vol. II, (1958). Annual of the Ben-Zvi Institute at the Hebrew University for research on the Jewish communities in the East. (Published by Qiryath Sefer, for the Ben-Zvi Institute), pp. 376 + pp. 16 English summary.

M. BENEYAHU, *Rabbi Hayyim Joseph David 'Azulay*, (in Hebrew). Published by Mosad Ha-rav Kook, for the Ben-Zvi Institute), 1959, pp. 608.

M. BENEYAHU (ed.), *Sefer ha-hyda* (Studies and Texts). (Published by Mosad Ha-rav Kook for the Ben-Zvi Institute), 1959, pp. 202.

The Ben-Zvi Institute at the Hebrew University is one of the most active research centres in the world of Jewish studies and it is scarcely possible for the average reader to keep pace with the rate of publication of texts, studies and monographs pouring forth under the competent direction of the Institute's distinguished head, President I. Ben-Zvi, and its dynamic acting director, Mr. M. Beneyahu. Vol. ii of the Institute's year-book *Şefunoth* contains thirteen studies, most of them accompanied by texts and source-material in Hebrew, Ladino or Arabic. A brief notice can hardly do justice to the rich and varied interest of the volume and a few random samples of its contents must suffice: documents throwing new light on 11th century Palestinian Jewry (J. Eliah); a collection of '*ascamot*' (i.e. *haskamoth*) in Ladino from Salonica (I. R. Molho and A. Amariljio); a careful analysis and comparison of the glosses of Jacob Castro and Jacob Şemaḥ on Karo's *Shulḥan 'Arukh* (Chief Rabbi I. Nissim). The editor, Mr. M. Beneyahu, contributes a valuable and well documented study of the history of the Ashkenazi community in Jerusalem during the period 1687-1747. President Ben-Zvi publishes new sources for the history of Persian Jewry in the 18th century. There is an interesting note by N. Bar Giora on the history of the Synagogues in Cochín. Four of some twenty-five extant Ladino *Coplas de Purim* are printed, translated and evaluated by M. Attias. Within its chosen scope this is a solid and substantial volume which will make readers await with eagerness the publication of vol. iii.

One of the most remarkable figures produced by Sephardic Jewry in the 18th century was undoubtedly Rabbi H. Y. D. Azulay (*HYDA*). Talmudist, kabbalist, diarist, author of an almost uncanny fecundity and an amateur bibliographer who could easily hold his own against later academic specialists, *HYDA* was perhaps the best known and most illustrious of Palestinian emissaries to visit (and remain stuck in) Europe. An impressive personality no doubt he was, and his fame and prestige were equalled by the actual influence which he exerted on the liturgical life of Oriental (and

not only Oriental) Jewry. No full-length study of the man and his work has existed so far—for very good reasons. It needed herculean and encyclopaedic labour to collect, decipher and interpret the vast material—from dozens of printed folios to scores of MS. notebooks, account books and other scraps of information—in order to do justice to the encyclopaedic phenomenon that *HYDA* himself was. Mr. M. Beneyahu has done the seemingly impossible and his impressive monograph is as encyclopaedic as the nature of its subject demanded. In order to get his details and background as complete and full as possible, the author has had to deal with so many incidental literary and historical problems and to explore so many by-ways that his book is a veritable gold-mine of historical information in addition to being henceforth the standard work on *HYDA*. Some of the material discovered and presented by the author is simply breathtaking (as e.g. some of *HYDA*'s dreams or the evidence and texts relating to "automatic writing" by *HYDA* himself, and particularly by his ancestor Isaac Azulay). Pt. i (pp. 1-282) deals with *HYDA*'s biography and writings, and includes diagrams of his family-tree and maps of his travels; pt. ii describes the personal and historical background of *HYDA* as well as the persons and events that played a rôle in his life, and presents the relevant texts and sources. The whole publication is well indexed.

Clearly one monograph, even though as bulky as the volume just mentioned, is insufficient to do justice to *HYDA*. As a by-product of his work on the *magnum opus*, Mr. Beneyahu has edited a collection of studies and texts relating to H. Y. D. Azulay. The volume had actually left the press already in 1957, but its release was postponed so as to coincide with the publication of the main study. Contributors to the volume include the editor (three articles), Prof. Tishby, A. N. Z. Roth, A. Ya'ari, Rabbi S. Toaff of Leghorn (2 articles), Rabbi Y. M. Toledano and others. The articles present and discuss source-material relating to *HYDA* (letters, notebooks, contemporary testimonies, etc.), and provide a valuable supplement to the main volume.

Z. W.

H. WHEELER ROBINSON, *The Christian Experience of the Holy Spirit* (The Library of Constructive Theology). Nisbet, 1958, pp. xx+295. 17/6d.

This is the tenth reprint of a publication that originally appeared in 1928 and whose abiding popularity bears witness to the quality of Wheeler Robinson's thought even where he went beyond his O.T. specialism to tackle one of the most difficult problems of Christian theology. The Holy Ghost has always been the step-child in the trinitarian family and the author makes it quite plain that a Christocentric theology is not necessarily a God-centred one. The volume being a systematic contribution to Christian theology, there are a few pages only on *ruah* in the O.T. The author takes his stand squarely on religious experience: experience is not only the basis for our understanding of the Spirit but also the ultimate (inductive) court of appeal. There is, however, no such thing as specific religious experience; every experience can become religious through the appropriate interpretation, and interpretation takes place of necessity among those who share a

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common experience. For the rest the author deals specifically with the Christian experience of the Spirit, examining the reality, nature and revelation of the Holy Ghost as well as its different manifestations (Incarnation, Church, Scripture, sacraments and individual life). Of particular interest is the discussion of what the author considers the failure of "modalism" or of other patristic attempts to master the problem. Trinitarianism offers no real escape from the dilemma monotheism *v.* pluralism posed by the experience of the Spirit, and the author suggests that an elaboration of the category of Spirit ("in the form of personality") may be more helpful than the traditional terminology of hypostases, persons, substance, etc. Whether the author's doctrine of "included personality" solves more problems than it raises or not, is a question which every reader will decide for himself; but even so, the volume remains one of the most substantial and thoughtful modern contributions to a theology of the Holy Spirit.

Z. W.

THE INSTITUTE OF JEWISH STUDIES, LONDON

(formerly Manchester)

University College, Gower Street, W.C.1.

ACADEMIC YEAR, 1959-60

The following Papers were read at the weekly Research Seminars:

WINTER TERM

S. M. STERN (Oxford): The Hebrew Barlaam and Josaphat legend and its Arabic source.

S. LOWY (London): R. Meir Abulafia's Commentary on the Talmud.

E. WIESENBERG (London): Maimonides in the writings of his son, R. Abraham.

PROF. G. VAJDA (Paris): Maamar yiqqawwu hamayim, an analysis of its sources.

L. JACOBS (London): The tract on Ecstasy by R. Dobh Baer Shneerson.

A. RUBINSTEIN (Manchester): Observations on the Slavonic Book of Enoch.

R. LOEWE (Oxford): Early concepts regarding the 'plain' meaning of Scripture.

J. G. WEISS (London): An anonymous Hasidic tractate on Contemplation.

SPRING TERM

VARIOUS SCHOLARS: Reviews of recent scholarly literature.

A. RUBINSTEIN (Manchester): Further observations on the Slavonic Book of Enoch.

S. M. STERN (Oxford): Imitations of Arabic *Muwashshaḥs* in Hebrew poetry.

L. JACOBS (London): The analysis of a Talmudic *sugya* (*B. Qidd.* 41a).

J. G. WEISS (London): Israel Baal Shem's theory of the *Maḥashabhoth Zaroth*.

PROF. P. KAHLE (Oxford): The Pronunciation of Hebrew in Palestine before the time of the Tiberian Masoretes.

S. LOWY (London): Religious Polemics as background to historical events of the second century.

J. G. Weiss,
Director of Research.

SOCIETY FOR JEWISH STUDY

Among recent public lectures given under the auspices of the Society have been the following:

RABBI JOSEPH HEINEMANN, M.A. (of Jerusalem):

“Form-Critical Studies in Jewish Prayers.”

RABBI DR. KURT WILHELM (Chief Rabbi of Sweden):

“Leo Baeck and Jewish Mysticism” (Annual Leo Baeck Memorial Lecture).

PROFESSOR DAVID DAUBE, F.B.A., D.C.L. (of Oxford University):

“The Problem of Error in Biblical Law.”

DR. M. WALLENSTEIN, M.A., Ph.D. (of Manchester University):

“The Gaster Collection in the John Ryland Library with special reference to two outstanding MSS.”

DR. RICHARD WALZER, F.B.A. (of Oxford University):

“David in the Second Book of Samuel and Chronicles.”

RABBI DR. ISIDORE EPSTEIN, B.A., Ph.D., D.Litt. (Principal of Jews' College):

“The Supremacy of Faith in Maimonides.”

RABBI DR. LOUIS JACOBS, B.A., Ph.D. (of Jews' College):

“Habad: An Interesting Hasidic Movement.”

The Society established its first Provincial Branch in Manchester on February 21st, 1960. This Branch was formed at a meeting held in the Congregational Hall of the Withington Spanish and Portuguese Synagogue, with Mr. Isidore Sandler, President of the Council of Manchester and Salford Jews, in the Chair. Rabbi Dr. Louis Jacobs gave the inaugural lecture, and the other speakers were Dr. E. J. Cohn, the Rev. F. F. Carlebach, and the Rev. M. Gaguine. The Acting Hon. Secretary of the Manchester Branch is Miss L. Philip, 2 Lady Barn Crescent, Manchester, 14.

April, 1960

HUGH HARRIS, Hon. Sec.